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*JOURNAL OF THE SENATE*  
*1911*



HONOLULU  
PARADISE OF THE PACIFIC PRINT  
1911

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**COMPILED, ARRANGED AND INDEXED  
BY JOHN H. WISE,  
CLERK OF THE SENATE**

219315



# MEMBERS OF THE SENATE

---

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✠BROWN, CECIL ....	Honolulu, Oahu
•BROWN, J. T. ....	Hilo, Hawaii
✠CHILLINGWORTH, CHARLES F. ....	Honolulu, Oahu
•FAIRCHILD, GEORGE F. ....	Kealia, Kauai
~HEWITT, GEORGE C. ....	Waiohinu, Kau, Hawaii
~JUDD, ALBERT F. ....	Honolulu, Oahu
✠KALAMA, S. E. ....	Makawao, Maui
~KALEIOPU, A. S. ....	Honolulu, Oahu
✠KNUDSEN, ERIC A. ....	Kekaha, Kauai
✠MAKEKAU, R. H. ....	Honokaa, Hawaii
•MOORE, H. T. ....	Honolulu, Oahu
PALI, PHILIP ....	Lahaina, Maui
•QUINN, E. W. ....	Honolulu, Oahu
•ROBINSON, WILLIAM T. ....	Wailuku, Maui

## OFFICERS OF THE SENATE

---

President .....HON. ERIC A. KNUDSEN

Vice-President .....HON. S. E. KALAMA

Clerk .....JOHN H. WISE

Assistant Clerk .....D. S. K. PAHU

Sergeant-at-Arms ..... CHARLES H. CLARK

Chaplain .....REV. D. W. K. WHITE

Messenger .....SAMUEL KUULA

Janitor .....W. K. APUAKEHAU

# SENATE STANDING COMMITTEES

---

## *Committee on Ways and Means:*

George H. Fairchild, John T. Brown, W. T. Robinson,  
Cecil Brown, E. W. Quinn.

## *Committee on Judiciary:*

A. F. Judd, Cecil Brown, R. H. Makekau.

## *Committee on Public Lands and Internal Improvements:*

S. E. Kalama, A. S. Kaleiupu, George C. Hewitt.

## *Committee on Education:*

W. T. Robinson, George H. Fairchild, D. K. Baker.

## *Committee on Enrollment, Revision and Printing:*

J. T. Brown, E. W. Quinn, W. T. Robinson.

## *Committee on Accounts:*

E. W. Quinn, W. T. Robinson, George C. Hewitt.

## *Committee on Rules:*

S. E. Kalama, D. K. Baker, Philip Pali.

## *Committee on Military:*

C. F. Chillingworth, E. W. Quinn, R. H. Makekau.

## *Committee on Public Health:*

C. F. Chillingworth, A. F. Judd, Philip Pali.

## *Committee on Manufactures, Forestry, and Promotion:*

George C. Hewitt, A. S. Kaleiupu, Philip Pali.







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# RULES OF THE SENATE

---

## REGULAR SESSION, 1911

### 1

#### MEETINGS.

(1). After the day of opening the Legislature as prescribed by law, the Senate shall meet for the transaction of public business every day except Sundays, recognized holidays and such other days as the Senate shall, by motion or resolution duly adopted and entered in the Journal, designate.

(2). The hour of meeting, recesses, and of adjournments shall be such as the Senate shall by motion or resolution decide from time to time.

### 2

#### ADJOURNMENTS.

Meetings may be adjourned at any time. Unless otherwise specified in the motion, every adjournment shall be considered as to the usual hour of meeting on the next following business day; but no adjournment shall be for more than three days, or *sine die*, without the consent of the House of Representatives.

### 3

#### QUORUM.

For the transaction of business, a majority of the number of members to which the Senate is entitled, shall constitute a quorum for the conduct of ordinary business of which quorum a majority vote shall suffice; but the final passage of a law shall require the vote of the majority of all the members. A smaller number than a quorum may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalties as may be provided by resolution. For the purpose of ascertaining whether there is a quorum present, the Chairman shall count the number of members present.

## 4

## PUNISHMENT OF MEMBERS.

The Senate may punish its own members for disorderly behavior or neglect of duty by censure, or by a two-thirds vote, suspend or expel a member.

## 5

## VACANCIES.

All vacancies caused by death, resignation or otherwise, shall be filled for the unexpired term at a general or special election.

## 6

## ORGANIZATION.

When a session of the Senate is duly convened, the Senator from the First District who was elected by the largest vote, shall, or in the event of his absence any other Senator-elect may, call the Senate to order and appoint a Committee of Three whose duty it shall be to immediately examine the credentials of the members-elect of the Senate. If upon said committee report it shall appear that a majority of the credentials are in order, the Senate shall proceed to organize and shall appoint a Committee of Three to wait upon a Judge of the Supreme Court, or a Circuit Judge, and request him to administer the oath of office required by the Organic Act. Such proceedings need not be as of course upon the day of convening the Senate.

## 7

## OFFICERS.

(1). The Officers of the Senate shall be: President, Vice-President, Clerk, Assistant Clerk, Chaplain, Sergeant-at-Arms, Messenger and Janitor, who shall be elected by ballot.

(2). The first four shall require a majority vote to elect; the others may be elected on a plurality vote.

(3). The officers shall hold their several positions during the pleasure of the Senate.

## 8

## PAY OF OFFICERS.

The President and Vice-President shall receive no pay. The officers shall receive such compensation as the Senate shall fix by resolution. When once fixed the pay of officers shall not be increased except by unanimous consent.

## 9

## DUTIES OF OFFICERS.

## THE PRESIDENT.

It shall be the duty of the President:

(1). To open the sittings of the Senate at the appointed hour by taking the Chair and calling upon the chaplain to perform his duties.

(2). To call the reading of the journal of the preceding day, when a quorum shall be present.

(3). To maintain order and a proper decorum in debate.

(4). To announce the business before the Senate in the order prescribed by the rules.

(5). To receive and submit all matters brought properly before the Senate, by the members; to call for votes upon the same and to announce the results.

(6). To receive all communications and present them to the Senate.

(7). To appoint all committees unless otherwise ordered by the Senate.

(8). To authenticate by his signature all acts and doings of the Senate, when necessary.

(9). To make known rules of order when so requested, and to decide all questions of order, subject to an appeal to the Senate.

(10). To issue his warrant when so directed by the Senate to carry into effect its orders in the arrest of offenders, the summoning of witnesses, or other orders of the Senate.

(11). To decide all questions wherein the vote shall result in a tie, or where a vote is taken by ayes and noes.

(12). To do and perform such other duties as are required

by law or by these rules, or such as may properly pertain to such office.

(13). In the case of disturbance or disorderly conduct, or on motion duly adopted, the President may have the Senate chamber cleared of all persons except the members and officers.

(14). The rooms, desks, passages, stairways, corridors, balconies, in and about the building set apart for the use of the Senate shall be under the control and direction of the President of the Senate and he shall have control and direction of all the public property of the Senate. He shall see that all officers of the Senate perform their respective duties, and may assign places to visitors and reporters.

## 10

### THE VICE-PRESIDENT.

The Vice-President shall exercise all the duties and powers of the President in his absence.

## 11

### THE CLERK.

(1). The Clerk shall have charge of all records of the Senate, and shall be responsible for the same. On no account shall he permit original documents to be withdrawn from his keeping unless ordered by the Senate.

(2). He shall make a concise and complete memorandum of all petitions, motions, resolutions, amendments and other matters brought before the Senate; such memorandas shall state the nature of said matter, and give the name of the introducer. Such memorandas shall be dated each day, and shall also give the number of days of sittings. Such memoranda, together with other matter ordered to be placed therein, shall constitute the journal. The journal of each day shall be read the following day, immediately after the Chaplain shall retire, as directed in Rule XIII. When such journal shall be corrected and approved by vote of the Senate, it shall be entered by the Clerk in a book to be called the "Journal of the Senate. Session of . . . ." (giving the year).

(3). He shall read all bills, resolutions and other matter, if so required, to the Senate.



(4). He shall forward at once all letters, messages, communications and other matters to the proper parties, either directly or through a Committee, as the case may be.

(5). He shall immediately deliver to the Chairman of the appropriate committees all petitions, resolutions, bills or other matter duly referred to such committee.

(6). He shall draw such drafts on the Treasury for expenses of the session as shall be authorized by the Senate and approved by the Committee on Accounts.

(7). He shall pay all such bills and accounts as shall be approved by the Committee on Accounts, or ordered by the Senate, and no others.

(8). He shall note all questions of order with the decision thereon, and collect the same together and append them to the Senate Journal at the close of the session.

(9). He shall do and perform all other clerical duties and offices pertaining to the position of Clerk, as the Senate shall from time to time direct, and such as shall by law or these Rules, or rules hereafter adopted, be assigned to him, or such as properly pertain to such position. He shall post the order of business in writing in a conspicuous place each day.

## 12

### THE ASSISTANT CLERK.

The Assistant Clerk shall assist the Clerk in performance of his duties and attend to such other duties as may be required when so directed by the President.

## 13

### CHAPLAIN.

It shall be the duty of the Chaplain to attend each day at the hour of meeting of the Senate, and to open the session of the day by such religious exercises as the President—subject to revision by the Senate—shall direct.

## 14

### THE SERGEANT-AT-ARMS.

It shall be the duty of the Sergeant-at-Arms to attend the Senate on every day of meeting; to maintain order amongst

those present as spectators; to give notice to the Presiding Officer of the attendance of any person with communications or otherwise; to supervise, subject to the approval of the Committee of Accounts, the supply of books, stationery, and other incidentals which require distribution among the members; to attend upon committees if so requested; to serve all orders of process directed by the President or Senate; to make all required arrests of members or other persons, and to retain the same in custody; to have the charge and responsibility for the postal requirements of the Senate, and generally to execute all of the requirements of the President for the Senate.

## 15

## THE MESSENGER.

It shall be the duty of the Messenger to attend the Senate at all sittings, and at all times to do and perform all requirements of the Senate, or the officers or members thereof.

## 16

## THE JANITOR.

It shall be the duty of the Janitor to have charge of the Senate Chamber, and of all furniture and property of the same and of all property and effects of the members left there. He shall keep said room, furniture and effects in good order and clean.

## 17

## RESPONSIBILITY OF OFFICERS.

All of the officers of the Senate shall be directly answerable to the President, and shall obey and perform all of his orders and directions, subject to revision by the Senate. If required by the President any officer shall give a bond for the faithful performance of his duty, and an oath of office shall be administered to each.

## 18

## COMMITTEES.

There shall be four kinds of Committees:

(1). Standing Committees to consist of three members each,

to be appointed by the President at the opening of each session, and to serve during the whole session, excepting, however, the Ways and Means Committee, which shall consist of five members, two from the Third Senatorial District and one from each of the other Senatorial Districts.

(2). Select Committees, to consist of three members each, unless otherwise ordered by the Senate, to be appointed from time to time as occasion requires, and to serve until discharged upon finally reporting the specific matters referred.

(3). Committee of the Whole Senate.

(4). Conference Committees, to consist of three members each, to be appointed by the President from time to time as occasion requires, and to serve until discharged upon finally reporting the matter referred.

## 19

The first person named on the Committee shall be Chairman, unless the Committee elect another. The Chairman shall call meetings and preside and a Clerk may be appointed.

## 20

### MEETINGS OF COMMITTEES.

Meetings of Committees shall be public unless otherwise ordered.

No Committee shall sit during the time when the Senate is actually in session without a special order, excepting Conference Committees, which may sit at any time.

## 21

Committees shall be under the control and subject to the orders of the Senate, and shall faithfully carry out such orders. Any member may excuse himself from serving on any Committee at the time of his appointment, if he is a member of four other Committees.

## 22

### STANDING COMMITTEES.

The Standing Committees shall be appointed at the opening

of the session, or as soon thereafter as possible; they shall be as follows:

- (1). Committee on Ways and Means.
- (2). Committee on Judiciary.
- (3). Committee on Military and Public Expenditures.
- (4). Committee on Public Lands, Internal Improvements, Agriculture, etc.
- (5). Committee on Public Health.
- (6). Committee on Education.
- (7). Committee on Enrollment, Revision, and Printing.
- (8). Committee on Accounts.
- (9). Committee on Rules.
- (10). Committee on Manufactures, Forestry and Promotion.

23

WAYS AND MEANS COMMITTEE.

It shall be the duty of the Committee on Ways and Means to take into consideration all reports of the Treasurer and other officers of the Territory and all propositions relating to revenue or otherwise to inquire into the state of revenue and all such propositions relative to revenue as may be referred to them by the Senate and to report from time to time their opinion thereon.

24

JUDICIARY COMMITTEE.

It shall be the duty of the Committee on Judiciary to take into consideration all such bills, petitions and matters touching judicial proceedings or otherwise as shall be presented, or come in question and be referred to them by the Senate, and to report their opinions thereon, together with such propositions relative thereto as may seem to them expedient.

25

MILITARY AND PUBLIC EXPENDITURES  
COMMITTEE.

It shall be the duty of the Committee on Military and Public Expenditures to take into consideration all such laws and all

such propositions and reports relative to Military matters and to examine the Expenditures of the different Departments of the Territory, and to report from time to time their opinion thereon; to examine into the state of the several Public Departments and particularly into laws making appropriation of money; and to report whether the monies have been distributed conformably with those laws; and also to report from time to time such provisions and arrangements as may be necessary to add to the economy of the Departments and the accountability of their officers.

## 26

### PUBLIC LANDS, INTERNAL IMPROVEMENTS, AGRICULTURE, ETC.

It shall be the duty of the Committee on Public Lands, Internal Improvements, Agriculture, Etc., to take into consideration all such laws, petitions and matters respecting public lands, the care, custody and maintenance of public works as shall be presented or shall come in question and be referred to them by the Senate and to report thereon with such propositions relative thereto as may seem to them expedient, to take into consideration all such laws, petitions and matters or things respecting roads and internal improvements as shall be referred to them by the Senate and to report thereon with such provisions relative thereto as may seem to them expedient, to take into consideration all such laws, petitions and matters relating to agriculture, forestry and manufactures as shall be presented or shall come in question and be referred to them by the Senate and to report their opinion thereon, together with such propositions relative thereto as may seem to them expedient.

## 27

### PUBLIC HEALTH COMMITTEE.

It shall be the duty of the Committee on Public Health to take into consideration all such laws and all such propositions and any report of the Board of Health relative to the health of the people as may be referred to them by the Senate and to report thereon together with such propositions for the promotion of public health and safety as may seem to them expedient.

## EDUCATION COMMITTEE.

It shall be the duty of the Committee on Education to take into consideration all such reports of the Board of Education and all such propositions or laws relative to education or schools as may be referred to them by the Senate and to report from time to time their opinion, together with such propositions for the promotion of education and improvement of schools as may seem to them expedient.

## ENROLLMENT, REVISION AND PRINTING COMMITTEE.

It shall be the duty of the Committee on Enrollment, Revision and Printing to have all bills printed that are so ordered, and also to procure by tender or contract, if possible, all printing required by the Senate; to see that such printing is properly done; that the Senate is supplied with all the necessary printed matter under supervision of the Committee on Accounts, and to employ proof-readers; to see that all bills after engrossing or typewriting and before final passage of the same and of such other matters requiring the signature of the President, are correct and true, and that they are the same as finally acted upon by the Senate, and after final action, shall see that the copy to be presented to the Secretary corresponds with that finally passed by the Senate; and to do and perform all matters and things relative thereto as the Senate may from time to time direct.

## ACCOUNTS COMMITTEE.

It shall be the duty of the Committee on Accounts to superintend and control the contingent expenses of the Senate, and to audit and settle all accounts which may be charged thereon and also to audit the accounts of the members, and for their traveling fees. No bills shall be incurred without the order of said Committee, and it shall not be lawful for any bill to be paid

until the same shall have been duly audited by the said Committee. They shall from time to time direct the clerk to draw drafts on the Treasury for the payment of expenses of the Senate.

## 31

## RULES COMMITTEE.

It shall be the duty of the Committee on Rules to consider all matters relating to the Rules of Procedure of the Senate, and such other matters as may be from time to time referred to them.

## 31A

COMMITTEE ON MANUFACTURES, FORESTRY  
AND PROMOTION.

It shall be the duty of the Committee on Manufactures, Forestry and Promotion to take into consideration all such laws, bills, petitions and other matters relating to said subjects, or any thereof, as shall be presented or come in question and be referred to them by the Senate, and to report their opinion thereon, with such recommendations relative thereto as may seem to them expedient.

## 32

## COMMITTEE OF THE WHOLE.

(1). The Senate may from time to time resolve itself into a Committee of the Whole. Whenever any matter shall be referred to such Committee, upon the adoption of a motion to that effect, the President shall call some member to take the chair, (unless the Senate shall nominate a chairman), which being done, the Senate shall then be in Committee.

(2). The Clerk of the Senate shall act as Clerk of the Committee of the Whole without extra compensation, and shall make a careful record of the proceedings of the Committee in a rough memorandum book, which book shall be kept as one of the records of the Senate.

(3). The Committee may, on motion, rise and ask leave to sit at any future time.



## RULES IN COMMITTEE OF THE WHOLE.

In Committee of the Whole, the rules of procedure in the Senate shall be observed excepting that any member may speak more than once on the same subject, but no person shall speak a second or further time until others desiring to speak shall have had an opportunity, nor shall the motion for the previous question be allowed. A time limit for debate may be fixed by vote.

## COMMITTEE REPORTS. •

(1). The Standing Committees shall report from time to time upon all matters referred to them.

(2). Select Committees shall report within five days upon matters referred to them, unless further time is given by vote of the Senate.

(1). Whenever any matter shall be referred to a Committee, it shall be the duty of that committee to make diligent inquiry into all of the facts and circumstances connected with the matter. If necessary, witnesses shall be summoned and examined; documents and records shall be searched, and everything shall be done to bring all facts pertaining to said matter before the Senate.

(2). The report shall state findings of fact and conclusions based, thereon, together with a distinct recommendation as to the disposal of that matter.

(3). A report upon a bill shall state clearly the amendments, if any, proposed. If a substitute bill, for one or more referred to the Committee shall be reported, such substitute bill shall agree with the subject of the bill or bills returned to the Senate.

Whenever a Committee shall be ordered to perform a particular service, or one shall be appointed therefor, the service shall be performed exactly according to the requirements.

Whenever a Committee fails to agree, the majority shall report and it shall be the report of Committee. The minority may report or simply write upon the report of the majority the words "I" or "We do not concur," signing the same.

## VOTING.

There shall be four methods of ascertaining the decision of the Senate upon any matter.

(1). First, by raising of hands; Second, by ballot; Third, by rising; and Fourth, by call of the roll of the members and a record by the Clerk of the vote of each.

(2). The first shall be the usual and ordinary method. Whenever the Senate shall be ready to vote on any question, the President shall rise; and, after stating the question, shall request all those in favor of the affirmative of the question to raise the hand. After the Clerk shall have counted the number voting in the affirmative, which he shall report to the President, the President shall then call upon all voting in the negative of the question to raise their hands. The Clerk shall count them as before, and state the number to the President, who shall then announce the result to the Senate. If there be a tie vote, the President shall decide. If not—and in all cases—he shall declare the result of the vote.

(3). If any member shall doubt the result, as announced, the President shall again state the question and call upon the members to vote by rising in their places, and they shall remain standing until counted, and the result shall be again announced.

(4). The method of voting by ballot shall be as customary. The President shall appoint one or more tellers, or direct the Messenger to collect the ballots, which shall be counted by the Clerk, and the result announced as before. All officers of the Senate shall be elected by ballot. The Senate may, on motion, vote upon any other question by ballot.

(5). Whenever one-fifth of the members present shall request, the Clerk shall call the roll of the members of the Senate. Each member, when called shall vote in a clear, loud voice, "Aye" if voting in the affirmative, or "No" if voting in the

negative. The Clerk shall record each vote, and such record shall become a part of the Journal of the Senate. The President shall announce the result as above set forth.

## 39

(1). No member shall, on any account, refrain from voting unless excused by the Senate.

(2). No one shall be permitted to vote upon any question where he shall have any pecuniary interest in the result, or which will affect his right or title to a seat in the Senate, or wherein his official conduct shall be involved.

(3). Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain his vote.

(4). After the announcement by the President of the result no one shall be allowed to vote or to change his vote.

## 40

## PETITIONS, MEMORIALS AND ADDRESSES

(1). All persons may petition the Senate. Petitions and other memorials shall be in writing, signed by the petitioners.

(2). All petitions, memorials and other papers addressed to the Senate shall be presented by the President, or by a member in his place, and shall be endorsed with the name of the person presenting, and the subject matter of the same.

(3). A brief statement of the contents of such petitions, memorials or other papers shall be made verbally by the introducer, before the same shall be received and read at the table.

(4). Every such petition, memorial or other paper shall be referred, as of course, by the President, without putting a question for that purpose, unless the reference is objected to by a member at the time such petition, memorial or other paper is presented.

(5.) No such petition, memorial or other paper shall be debated on the day it is presented, unless by the consent of the Senate.

## 41

## OF RESOLUTIONS AND MOTIONS.

All resolutions shall be written in ink or typewritten upon

letter cap paper, dated and signed by the introducer, otherwise they shall not be considered. Motions and Amendments, except as below provided, may be verbal but shall be reduced to writing if requested by the President, and shall be read from the desk if so desired.

## 42

No motions shall be received and considered by the Senate until the same shall be seconded.

## 43

After a motion is stated or read by the President, it shall be deemed in the possession of the Senate, and shall be disposed of by vote of the Senate. However, it may be withdrawn by the mover at any time before a decision or amendment.

## 44

Whenever any question whatsoever shall be under discussion, the only motions relative thereto shall be:

- (1). To lay on the table.
- (2). To postpone to a certain time.
- (3). To postpone indefinitely.
- (4). To commit, and
- (5). To amend.

which motions shall have precedence in the order above named.

(1). The first two motions shall be decided without debate and shall be put as soon as made.

(2). When any of said motions shall be decided in the negative neither shall be revived the same day relative to the main question under discussion. If all are negative as aforesaid the only remaining question shall be as to the adoption of the bill, resolution or other main question.

## 45

When a question is postponed indefinitely, the same shall not be acted upon again during the session in which it was introduced.

## 46

When a bill, resolution or other matter has been laid upon the table, it shall not thereafter be taken therefrom and be considered or restored to a place upon the calendar of the Senate, without the consent of a majority.

## 47

No member shall speak more than twice, unless he be the mover of the matter pending; in which case he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

## 48

The object of the motion for the Previous Question is to cut off debate. It shall always be in order. It shall require a two-thirds vote to carry it.

Whenever the motion shall be carried, the author of the resolution or introducer of the bill being the main subject under discussion, shall be permitted to close the debate, after which the main question, subject to order named in Rule 46 shall be put; provided, that said author may delegate to another such right to close.

## 49

## RECONSIDERATION

(1). When a motion has been once made and carried in the affirmative or negative, it shall not be in order for any member who voted in the minority to move for a reconsideration thereof; but any member who voted with the majority may move to reconsider it on the same or the succeeding day of session; and such motion shall take precedence of all other questions, except a motion to adjourn.

(2). When a motion for re-consideration has been decided, that vote shall not be reconsidered.

(3). When a bill, resolution or other matter upon which a vote has been taken shall have gone out of the possession of the Senate, and be communicated to the House of Representatives, a motion to reconsider shall be accompanied by a motion to re-

quest the House to return the same, which last motion shall be acted upon at once without debate and, if determined in the negative, it shall be a final disposition of the motion to reconsider.

(4). If a like motion shall be passed in the House and such request be made of the Senate, the bill or other matter desired shall be immediately returned to the House.

## 50

A motion to adjourn other than a motion to adjourn generally may be debated, but no one shall speak more than once on such motion.

A motion to adjourn is always in order, and shall be decided without debate; one motion to adjourn shall not follow another without intervening business.

A motion to adjourn without naming any time shall always be held as an adjournment to the regular hour of meeting of the next business day.

## 51

## OF BILLS

Any bill may be introduced on the report of a Committee, or by any member after giving a notice of intention to introduce a bill.

## 52

One day's notice at least, shall be given of an intention to introduce a bill by its title; and the motion shall be made and the bill introduced, when resolutions are called for. A bill introduced by a Committee upon a report shall not require a prior notice.

## 53

Every bill shall receive three several reading previous to its being passed; and the President shall give notice at each whether it be first, second or third reading—which readings shall be on different days.

## 54

(1). The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be: "Shall this bill be rejected?" which question may be debated. But no one shall speak more than once upon such debate, except the introducer of the bill, who may close the discussion.

(2). If the question to reject be negatived, the bill shall go to its second reading without question, provided, however, that a motion to order a bill printed shall be in order upon its first reading.

## 55

(1). A bill upon its second reading shall be read throughout, unless it be printed and in the hands of members, when, on motion, it may be read by its title only. It shall then be subject to either of two motions, viz: to commit or be typewritten. If it is not referred to a Select or Standing Committee, but is ordered to be considered in Committee of the Whole a day for such consideration shall be fixed. When the bill shall be reported from Committee, if not then ordered to be typewritten, it shall take its place in the order of business for future consideration.

(2). If a bill is not committed, the same may be, on motion, ordered to be typewritten; upon this motion the bill may be discussed upon its merits, and amendments may be made.

## 56

A bill upon its third reading shall be read throughout, and the President shall then ask the Senate: "Shall this bill pass its third reading?" But such bill may be re-committed or amended on its third reading. Upon the final passage of any bill, the Ayes and Noes shall be called and such passage shall require the affirmative vote of a majority of all the members of the Senate, and the Ayes and Neos shall be entered on the Journal.

## 57

All bills shall be deemed the property of the Senate, and under its control until they shall become law, subject to the right of the House of Representatives to amend or refuse to agree with the same.

## 58

All amendments proposed to any bill shall be in writing, unless otherwise ordered by the Senate, and shall be sent to the Clerk's desk to be filed with the bill.

## 59

When a bill is passed it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

## 60

When a bill shall be referred to Committee of the Whole, the bill shall be first read throughout by the Clerk, and then again read and debated by sections, leaving the preamble to be the last considered. The body of the bill shall not be defaced or interlined; but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the Committee and so reported. When a bill is ordered into Committee of the Whole, such order may dispense with the reading of the whole bill before considering it section by section.

## 61

Whenever a bill which has finally passed the House of Representatives shall be certified to the Senate for its action, such bill shall be read three times before final passage, in accordance with the provisions of the rules for the passage of bills introduced in the Senate.

## 62

When a bill originating in the Senate shall have passed its third reading, or when a bill which has been sent in from the House shall have been amended, such bill, or such amended bill, shall immediately be certified by the President and Clerk and sent to House of Representatives for its consideration.

## 63

## GENERAL FILES

- (1). Bills which pass the first reading shall be arranged in



xxx

the order of their introduction and a list shall be made in accordance therewith to be called the Second Reading File, and, when the time arrives for consideration, they may be considered in the order on the file.

(2). Bills which pass the second reading shall be arranged in the order of their passage, irrespective of the date of reference to Committee, or of the Committee report, and shall be in order for consideration on third reading as arranged. A list shall be made in such order, to be called the Third Reading File, provided that whenever the third reading of any bill is set for any particular date, such bill shall be omitted from the general file.

(3). Resolutions or other matters on which consideration is not had and completed at the time of introduction into the Senate, if not ordered for consideration at a stated date, shall be placed upon the general file in the order of consideration with bills.

## 64

### SPECIAL FILES

All bills and other matters set for consideration upon particular dates, shall be arranged in the order of the several votes making such assignments. A list shall be made of such special orders, and, when the time for consideration arrives, such bills and other matters shall be considered in the order of assignment. If an adjournment shall be had before all of such special orders are disposed of, the remainder go over and come under the head of unfinished business on the following day, unless otherwise ordered.

## 65

No person shall sit at the desk of the President or Clerk except by permission of the President.

## 66

When any member is about to speak, he shall rise from his seat and address himself to "Mr. President" and shall confine himself to the question under debate and avoid personalities.

## 67

If any member in speaking or otherwise, transgresses the Rules of the Senate, the President, or any member, may call him to order, when the member so called to order shall immediately sit down. The President shall then decide the question of order without debate, subject to an appeal to the Senate.

The President may call for the sense of the Senate on any question of order.

## 68

Whenever any person shall be called to order while speaking he shall be deemed to be in possession of the floor when the question of order is decided and may proceed with the matter under discussion.

## 69

While the President is putting any question or addressing the Senate, no one shall walk out of the room, or across the floor; nor in any such case, or when a member is speaking, shall entertain a private discourse, nor while a member is speaking, shall pass between him and the Chair.

## 70

If any member shall conduct himself in a disorderly manner during any session of the Senate, the President shall order such member to keep his seat and preserve the peace; and, if he shall then persist in his disorderly conduct, the President shall (by a two-thirds vote) order the Sergeant-at-Arms to remove him from the Senate, and he shall not be permitted to take his seat during the remainder of that day's session, except upon satisfactory pledge given by him to the Senate of future good behavior.

## 71

If any Senator be called to order for words spoken in debate upon his demand or on that of any other Senator, the words objected to shall be taken down in writing and noted by the Clerk, and, if required, shall be read for the information of the Senate.

## 72

No member or other officer shall smoke within the Senate Chamber during any of the sessions of the Senate.

## 73

## ORDER OF BUSINESS

After prayer and the reading of the Journal, the President shall call for business in the following order:

- (1). Messages from the Governor.
- (2). Reports and Communications from the Territorial officers.
- (3). Bills, Joint Resolutions and other matters from the House of Representatives shall be reported to the Senate to be placed on the Calendar.
- (4). Petitions, Memorials and Communications.
- (5). Reports of Standing Committees.
- (6). Reports of Select Committees.
- (7). Resolutions.
- (8). Unfinished business, upon which the Senate was engaged at the time of its last adjournment.
- (9). The Order of the Day.
- (10). Any miscellaneous business on the President's table.

## 74

The Senate may, by previous motion, direct that any matter named shall be made a special order of business and that such special order shall take precedence of all business after the fourth order, or that it shall take any other position lower down on the calendar.

## 75

After the first thirty days of the session petitions shall be presented only upon the first day's session in each week.

## 76

Reports from Conference or Joint Committees, and from the Committee on Enrollment and Revision shall be in order at all

times after the second order of business, and, upon motion, messages from the Governor or from the House of Representatives may be received at any time; provided, however, that without unanimous consent such messages or reports shall not be in order for discussion when received, but shall be placed on the calendar as unfinished business.

## 77

After one hour shall have been devoted to the first seven orders of business (Set forth in Rule 75) it shall be in order, pending consideration thereof, to move that the Senate proceed to dispose of the unfinished business or to the order of the day. If such motion be decided in the affirmative, such consideration shall immediately be taken up.

## 78

The unfinished business in which the Senate was engaged at the time of the last adjournment shall have the preference in the Orders of the Day; and no motion, for any other business shall be received without special leave of the Senate until the former is disposed of.

## 79

All questions relating to the priority of business to be acted upon shall be decided without debate.

## 80

## QUESTIONS OF ORDER

(1). A question of order may be raised at any stage of the proceedings, except during the calling of the roll when the Ayes and Noes are called for. Unless submitted to the Senate such questions shall be decided without debate by the presiding officer, subject to an appeal to the Senate. Laying such appeal on the table shall be held as sustaining the ruling of the presiding officer.

(2). Any question of order may be submitted to the Senate for its decision.

(3). He shall see that matters in the hands of the Clerk requiring translation are properly rendered.

(4). He shall be responsible under the Committee of Enrollment for the correct translation of all engrossed bills and resolutions, and for such purpose may order the re-engrossment of any part or the whole of any engrossed matter.

## 81

## PRESIDENT PRO TEM

The President shall have the right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

## 82

(1). In case the President and Vice President shall be absent at the hour to which the Senate has adjourned, the eldest member present shall preside until a President pro tempore be chosen.

(2). Such President pro tempore shall be invested with and perform all the powers and duties of President. Whenever and so often in the absence of the President and Vice President, it shall devolve upon the President pro tempore to sign any bill or other instrument requiring the signature of the President, the Clerk shall attach to such bill or instrument a certificate setting forth that such President pro tempore was duly elected.

## 83

## ATTENDANCE

No member shall absent himself from the session of the Senate unless he has leave, or be sick and unable to attend.

## 84

## SECRET SESSION

(1). When any member shall desire to make known any matter to the Senate which he deems should be confidential and private and shall communicate the same to the President, he

shall decide, whether the Senate Chamber should be cleared. If he so decide, the Sergeant-at-Arms shall clear the Chamber of all persons but the Senate and its officers.

(2). The Senate may decide whether the matter communicated shall be kept secret.

## 85

The members and officers shall keep the secrets of the Senate.

## 86

## EXECUTIVE SESSION

If the Senate considers it necessary to act upon any communication from the Governor confidentially or upon any nominations or other matters it may go into Executive Session.

## 87

Whenever for any reason the Governor shall convene the Senate at any other place than the Capitol, it shall attend together with all of its officers at the time and place ordered.

## 88

## CLEARING THE SENATE

When acting upon confidential business, unless the same shall be considered in open Executive Session, the Senate Chamber shall be cleared of all persons except the members of the Senate and the officers, and such other persons as the presiding officer with the consent of the Senate shall deem necessary, and all such persons as well as the officers shall be sworn to secrecy.

## 89

## BUSINESS CONFIDENTIAL

All confidential Communications made to the Senate, and remarks, votes and proceedings thereon shall be kept strictly secret by the members and officers of the Senate, as well as by such other persons as have been detained or permitted to attend upon

the consideration of such matter, until the Senate by resolution, take off such seal of secrecy, or unless such matter be considered in open session.

90

VIOLATING CONFIDENCE

If any matter covered in Rule 89 shall be disclosed by any Senator, he shall be liable to a fine or expulsion from the Senate; if by any officer or other person authorized to hear such matter, such officer (who shall be dismissed) or other person shall be liable to punishment for contempt.

91

NOMINATIONS

(Executive Session)

(1). When nominations for office shall be made by the Governor to the Senate, they may be referred to an appropriate Committee, or may be acted upon after the lapse of at least one day after such nominations shall have been made.

(2). The fact of a nomination, or its rejection or confirmation, need not as of course be kept secret, but all remarks and proceedings thereon shall be deemed secret.

92

AMENDMENTS

No rule of the Senate shall be altered or rescinded, nor any new standing Rule be adopted without one day's notice being given of the motion thereof.

93

Stenographers or other reporters wishing to take down the debates may be admitted by the President, who shall assign such places to them to effect their object as shall not interfere with the convenience of the Senate.

## 94

Any member of the Senate may ask any question of any Territorial Officer relating to his respective Department by reducing such questions to writing, over his signature, and reading the same before the Senate, and furnishing the Officer with a copy of such written question. Any officer so questioned shall reply to such question upon the following day, unless the Senate shall grant him a definite extension of time for replying.

## 95

The Rules of Parliamentary practice as laid down by Cushing, and as interpreted and practiced in the Senate of the United States, where not inconsistent with these Rules, shall govern the Senate.

## 96

Such type-writers as may from time to time be required shall be appointed by the President. Such compensation shall be paid to the type-writer as the Committee on Accounts and President of the Senate shall from time to time determine.







THE SIXTH LEGISLATURE  
OF THE  
TERRITORY OF HAWAII  

---

IN REGULAR SESSION  

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*JOURNAL OF THE SENATE*  

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FIRST DAY.  

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Wednesday, February 15, 1911.

The Members of the Senate of the Territory of Hawaii met in regular session at 10 o'clock in the forenoon with Senator George C. Hewitt as temporary President.

After prayer by the Rev. D. W. K. White, the Chair called upon Mr. John H. Wise to act as temporary Clerk.

Senator Kaleiipu moved that a Special Committee of three on Credentials be appointed; seconded by Senator Robinson and carried.

The Chair appointed Senators Fairchild, Kalama and Baker.

At 10:04 A. M. Senator Knudsen moved that a recess be taken subject to the call of the Chair; seconded by Senator Robinson and carried.

At 10:15 A. M. the Senate reconvened, Senator Fairchild for the Special Committee on Credentials reporting as follows:

## SENATE JOURNAL.

## SENATE CHAMBER.

Honolulu, T. H., February 15, 1911.

Hon. George C. Hewitt,  
Temporary, President,  
Senate of the Legislature of 1911.

Sir:—

Your Committee on Credentials begs leave to report that it has examined the Certificates of Election of the members of this Senate as follows:

A. The holdovers whose terms respectively will expire in 1912 are:

From the 1st District: David K. Baker, John T. Brown;

From the 2nd District: S. E. Kalama, William T. Robinson;

From the 3rd District: H. T. Moore, Edward W. Quinn;

From the 4th District: George H. Fairchild;

B. Newly elected, whose terms will expire in 1914 are:

From the 1st District: George C. Hewitt, R. H. Makekau;

From the 2nd District: Philip Pali;

From the 3rd District: Cecil Brown, Albert F. Judd, A. S. Kaleiopu, C. F. Chillingworth;

From the 4th District: Eric A. Knudsen.

Your Committee therefore recommends that the Senate proceed with its permanent organization with the following membership, who are hereby recommended to take the oath of office, namely:

From the 1st District: David K. Baker, John T. Brown; George C. Hewitt, R. H. Makekau;

From the 2nd District: S. E. Kalama, Wm. T. Robinson, Philip Pali;

From the 3rd District: Cecil Brown, Charles F. Chillingworth, Albert F. Judd, A. S. Kaleiopu, H. T. Moore, Edward W. Quinn;

From the 4th District: George H. Fairchild, Eric A. Knudsen.

Very respectfully yours,

GEO. H. FAIRCHILD,  
Chairman, Committee on Credentials;

S. E. KALAMA,  
Member;

DAVID K. BAKER,  
Member.

Senator C. Brown moved that the report of the Committee be adopted; seconded by Senator Pali and carried.

Senator Kaleiopu moved that the Committee on Credentials

wait upon the Chief Justice and request him to administer the oath of office to the members; seconded by Senator Pali and carried.

The Chief Justice, appearing after a short recess, the Senate reconvened at 10:24 o'clock and the members were duly sworn in.

Senator Knudsen moved that the Rules of the Session of 1909 be adopted as the temporary rules of the present session; seconded by Senator Kaleiupu and carried.

Senator C. Brown moved that the Senate proceed with the election of its permanent officers; seconded by Senator Baker and carried.

Senator C. Brown nominated Senator Charles F. Chillingworth for President of the Senate; seconded by Senator Baker.

Senator Fairchild nominated Senator Knudsen; seconded by Senator Kalama;

The nominations being closed upon motion by Senator Baker, seconded by Senator Kaleiupu, the Chair appointed Senators Fairchild and C. Brown as tellers and the Senate proceeded to ballot with the following result:

Senator Knudsen .....	7	votes
Senator Chillingworth .....	5	"
Not voting .....	1	

whereupon the Chair declared that a majority of all the members elected would be required to elect the President.

Upon Senator Fairchild appealing from the ruling of the Chair, the motion that the Chair be sustained was put and lost on a vote of 9 to 4.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the election of Senator Knudsen as President of the Senate was made unanimous.

After being escorted to the Chair by Senators C. Brown and Kalama, President Knudsen was presented by Senator Judd with a gavel, the gift of ex-president of the Senate W. O. Smith.

Upon taking the Chair President Knudsen thanked the members of the Senate for the honor conferred upon him and asked

the assistance of all of the members in the performance of his duties.

JOHN H. WISE,  
Temporary Clerk of the Senate.

Approved by the Senate:

GEO. C. HEWITT,  
Temporary Chairman.

Senator Baker nominated Senator Kalama for Vice-President of the Senate; seconded by Senator Pali.

Senator C. Brown moved that the nominations be closed and that the Temporary Clerk be instructed to cast the ballot for Senator Kalama; seconded by Senator Kaleiupu and carried. Whereupon the Temporary Clerk cast the ballot for Senator Kalama.

Senator C. Brown nominated John H. Wise for Clerk of the Senate; seconded by Senator Kaleiupu.

Senator C. Brown moved that the nominations be closed and the President cast the ballot for Mr. Wise. Seconded by Senator Judd and carried, whereupon the President cast the ballot for Mr. Wise.

Senator Judd nominated Mr. Daniel S. K. Pahu for assistant clerk of the Senate; seconded by Senator Baker.

Senator Baker moved that the nominations be closed and that the Clerk cast the ballot for Mr. Pahu; seconded by Senator Judd and carried, whereupon the Clerk cast the ballot for Mr. Pahu.

Senator Pali nominated Rev. D. W. K. White for Chaplain of the Senate; seconded by Senator Kalama.

Senator Baker nominated Mr. A. Fernandez; seconded by Senator C. Brown.

The nominations having been closed, Rev. D. W. K. White was duly elected Chaplain on the following ballot:

Rev. D. W. K. White . . . . .	10 votes
Mr. A. Fernandez . . . . .	3 "

For Sergeant-at-arms of the Senate, Senator Pali nominated Mr. P. N. Kahokuoluna; seconded by Senator Kalama;

Senator Quinn nominated Mr. Charles H. Clark; seconded by Senator Kaleiopu;

Senator Judd nominated Mr. Holi Thornton; seconded by Senator Kalama.

The nominations having been closed, Mr. Charles H. Clark was declared duly elected on the following ballot:

Mr. Charles H. Clark .....	7 votes
Mr. P. N. Kahokuoluna .....	5 "
Mr. Holi Thornton .....	1 "

Senator Quinn nominated Mr. Rodrigues for the position of Messenger of the Senate; seconded by Senator Chillingworth;

Senator Robinson nominated Mr. Sam Kuula; seconded by Senator Judd;

Senator Kaleiopu nominated Mr. S. Maloi; seconded by Senator Hewitt;

Senator C. Brown nominated Mr. Apuakehau; seconded by Senator Fairchild;

Senator Chillingworth nominated Mr. M. K. Aona; seconded by Senator Baker.

The nominations having been closed, Mr. Kuula was declared elected Messenger of the Senate on the following ballot:

Mr. Sam Kuula .....	5 votes
Mr. Rodrigues .....	2 "
Mr. S. K. Maloi .....	2 "
Mr. Apuakehau .....	2 "
Mr. M. K. Aona .....	2 "

Senator Pali nominated Mr. Keliikuewa for Janitor of the Senate; seconded by Senator C. Brown;

Senator Quinn nominated Mr. J. U. Joseph; seconded by Senator Kalama;

Senator C. Brown nominated Mr. Apuakehau; seconded by Senator Chillingworth;

The nominations having been closed Mr. Apuakehau was declared elected upon the following ballot:

Mr. Apuakehau .....	7 votes
Mr. J. U. Joseph .....	4 "
Mr. Keliikuewa .....	2 "

After the foregoing officers were sworn in by the President, Senator C. Brown moved that the Rules of the last session of the Senate be adopted as the rules of the present session; seconded by Senator Fairchild and carried.

Senator Fairchild then moved that a Committee of three be appointed to notify the Governor and the House of Representatives that the Senate was duly organized and ready to transact business. Seconded by Senator Kaleiupu and carried. Whereupon the Chair appointed Senators Fairchild, J. T. Brown and Chillingworth.

At 11:03 the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 11:10 and Senator Fairchild reported verbally that the Governor's Message would be sent in immediately.

A Committee from the House of Representatives consisting of Representatives Rice, Archer and Makekau here notified the Senate that the House of Representatives was duly organized and prepared to transact business.

At this juncture a Message from the Governor (No. 1) was received.

Senator Chillingworth moved that consideration of the Governor's Message be deferred until 2 o'clock P. M. Seconded by Senator Judd and carried.

Senator Robinson offered the following Resolution (No. 1) which was read by the Clerk:

#### RESOLUTION.

**RESOLVED**, That the Clerk of the Senate be and is hereby authorized to furnish the members of the Senate with copies of the Revised Laws of Hawaii, Session Laws of 1905, 1907, 1909, and Senate Journal of 1909.

• WM. T. ROBINSON,  
Senator, 2nd District.

Senate Chamber,  
February 15, 1911.

Upon motion by Senator Fairchild seconded by Senator C. Brown the Resolution was adopted.

Senator Robinson offered the following Resolution (No. 2) which was read by the Clerk.

RESOLUTION.

RESOLVED, That whenever the Senate shall adjourn it will meet next morning at 10 o'clock unless otherwise decided.

WM. T. ROBINSON,  
Senator, 2nd District.

Senate Chamber,  
February 15, 1911.

On motion by Senator Robinson, seconded by Senator Fairchild, the Resolution was adopted.

Senator Kaleiupu presented a Resolution (No. 3) which was read by the Clerk as follows:

RESOLUTION.

WHEREAS, it has pleased Almighty God in His Supreme wisdom to take from us in this life a respected and able member of this Senate, Frank R. Harvey, causing the people of Hawaii and the members of this body in particular to suffer the irreparable loss of a good citizen and honest Legislator; and,

WHEREAS, the ability and careful safeguarding of the interests of the people, displayed while he sat with us as a member of the Senate of the Territory of Hawaii and his lovable qualities as a man will leave his memory ever with us, a pulsing image in our hearts; therefore be it

RESOLVED, That the members of this Senate greatly deplore the untimely passing of a respected and beloved colleague, and that immediately upon the organization of this Senate for the 1911 session, adjournment be taken for the day in respect to the memory of the late Frank R. Harvey.

A. S. KALEIOPU,  
Senator, 3rd District.

Senate Chamber,  
February 15, 1911.

Upon motion by Senator Kaleiupu, seconded by Senator Judd, the Resolution was adopted.

A communication from Senator H. T. Moore was read by the Clerk as follows:



502 Mission Street,

San Francisco, Cal., Feb. 3, 1911.

To the Honorable President  
and Members of the Senate  
of the Territory of Hawaii,  
Honolulu, T. H.

Gentlemen:—

It becomes my unpleasant duty to report to you, that I am unable to attend this session of the Legislature.

It was my intention when I visited Hawaii in September, to be present at the session, but, unfortunately, conditions have developed, which will prevent my taking the trip, and I will therefore be compelled to be absent from my seat.

I have been under the care of specialists since my return from Hawaii, but all to no effect, and I am instructed by one of these specialists not to undertake the trip to Hawaii.

Gentlemen, I am therefore compelled to be absent, and must leave the disposition of my seat and case, in your hands.

Wishing you a successful session for the good of the people, I beg to remain,

Very respectfully,

H. T. MOORE,

Senator from Oahu.

Senator C. Brown moved that Senator Moore be granted leave of absence; seconded by Senator Kaleiupu and carried.

Senator Kaleiupu gave notice of his intention to introduce the following Bill, entitled "An Act to appropriate money for the purpose of defraying the expenses of the Regular Session of the Senate of the Territory of Hawaii of the year 1911."

Under suspension of the Rules Senator Kaleiupu introduced Senate Bill No. 1, entitled, "An Act to appropriate money for the purpose of defraying the expenses of the Regular Session of the Senate of the Territory of Hawaii for the year 1911."

The Bill was read throughout and upon motion by Senator Kaleiupu, seconded by Senator Chillingworth passed first reading and placed on the special order of the day for Thursday, February 16, 1911 for second reading.

Senator C. Brown gave notice of his intention to introduce the following Bills:

1. "An Act to amend Sections 1856 and 1857 of the Revised Laws of Hawaii, relating to wills."

2. "An Act to amend Sections 2965, 2966, 2967, 2968 and

2969 of the Revised Laws of Hawaii, relating to the crime of Embezzlement.”

3. “An Act to amend Section 1804 of the Revised Laws of Hawaii, relating to Judgments and Executions.”

4. “An Act to provide for the giving of Notice to subsequent purchasers or incumbrancers of the pendency of any action, suit or proceeding affecting or concerning the title or the right of possession of real property.”

5. “An Act to amend Sections 2331, 2337, 2342 and 2343 of the Revised Laws of Hawaii, relating to the sale of real property by Guardians.”

6. “An Act to provide for the sale and conveyance of the property of deceased persons.”

A communication from the House of Representatives (No. 1) was read by the Clerk, as follows:

#### HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 15, 1911.

The Honorable President and  
Members of the Senate of  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your honorable body that the House of Representatives of the Territory of Hawaii is duly organized and ready to transact business with the following officers:

Speaker .....	Hon. H. L. Holstein
Vice-Speaker .....	Hon. C. A. Rice
Clerk of the House .....	Mr. Edward Woodward
Assistant Clerk of the House.....	Mr. L. A. K. Evans
Interpreter .....	Mr. C. L. Hopkins
Sergeant-at-Arms .....	Mr. Harry Kahele
Chaplain .....	Rev. S. L. Desha
Messenger .....	Mr. J. A. Noble
Janitor .....	Mr. J. W. Pakiko

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The communication was received and placed on file.

Senator Baker presented a Concurrent Resolution (No. 1) which was read by the Clerk as follows:

## CONCURRENT RESOLUTION.

BE IT RESOLVED, by the Senate of the Territory of Hawaii, the House of Representatives concurring:

That the Congress of the United States is hereby respectfully requested to appropriate one-third of the Customs receipts collected in the Territory of Hawaii for the use of the Territory for the support and maintenance of its public schools, and

BE IT FURTHER RESOLVED, That certified copies of this resolution be sent to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Delegate of the Territory of Hawaii to Congress.

DAVID K. BAKER,  
Senator, 1st District.

Senate Chamber.

February 15, 1911.

On motion by Senator Baker, seconded by Senator Kaleiopu, the Clerk was instructed to furnish typewritten copies of the Resolution to the Members of the Senate.

Senator Baker presented a Concurrent Resolution (No. 2) which was read by the Clerk as follows:

## CONCURRENT RESOLUTION.

Be it Resolved by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives, concurring:

That the Secretary of Hawaii, be and is hereby authorized, empowered and directed, to have printed all Acts passed by this Legislature, as soon as may be after the same have become law, and to distribute in book forms or signatures, a copy thereof to each member of the Legislature; said Secretary shall also have begun at once the preparation of an index of such laws, and shall arrange to have the same finished so that the completed work of this Legislature may be published in book form, and with a proper index, with as little delay as possible after the adjournment sine die of the Legislature; and shall also be included in said book, when completed, the joint resolutions of this Legislature, and the Acts and joint resolutions of the Special Session of the Legislature held in November, 1909; all expenses connected with the performance of the duties hereby imposed upon the Secretary and with the promulgation of the laws, may be charged against and paid

for by him out of the money appropriated for the expenses of this Legislature by the Congress of the United States.

DAVID K. BAKER,  
Senator, 1st District.

Senate Chamber,  
February 15, 1911.

Senator Baker moved that the Concurrent Resolution be printed and that each Member of the Senate be furnished with copies of the same; seconded by Senator Judd and carried.

Senator Chillingworth moved to reconsider the action of the Senate in deferring action on the Governor's Message to 2 P. M. Seconded by Senator Kaleiupu and carried. Whereupon Senator Chillingworth moved that consideration of Governor's Message No. 1 be made the Special Order of the Day for tomorrow, February 16. Seconded by Senator Kaleiupu and carried.

At 11:35 A. M. upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## SECOND DAY.

Thursday, February 16, 1911.

The Senate met at 10 o'clock, A. M. pursuant to adjournment. After prayer by the Chaplain, the Roll was called showing Senator Makekau absent.

The Journal of the First Day was read and approved.

The Chair announced the following Standing Committees:

*WAYS AND MEANS*: Senators Fairchild, J. T. Brown, W. T. Robinson, C. Brown, E. W. Quinn;

*JUDICIARY*: Senators Judd, C. Brown, R. H. Makekau;

*PUBLIC LANDS*: Senators Kalama, Kaleiopu, Hewitt;  
*EDUCATION*: Senators Robinson, Fairchild, Baker;  
*ENROLLMENT, REVISION AND PRINTING*: Senators J. T. Brown, Quinn, Robinson;  
*ACCOUNTS*: Senators Quinn, Robinson, Hewitt;  
*RULES*: Senators Kalama, Baker, Pali;  
*MILITARY*: Senators Chillingworth, Quinn, Makekau.  
*PUBLIC HEALTH*: Senators Chillingworth, Judd, Pali.  
 A Communication (No. 1) from the Governor was read by the Clerk as follows:

EXECUTIVE CHAMBER.

Honolulu, Hawaii, February 15, 1911.

To the Senate:—

I have the honor to acknowledge the receipt of your communication of this date, through the Clerk, informing me that the Senate of the Territory of Hawaii is duly organized and prepared to transact business, with the officers named in said communication.

Respectfully yours,  
 W. F. FREAR,  
 Governor.

The communication was received and placed on file.

A communication (No. 2) from the Chamber of Commerce was read by the Clerk as follows:

Honolulu, February 16, 1911.

Honorable E. A. Knudsen,  
 President of the Senate,  
 Honolulu.

Sir:—

Acting for the Chamber of Commerce and allied commercial organizations in connection with new legislation, I have the honor to request that I may be furnished with fifteen copies of all Bills introduced in the Senate during the present session of the Legislature, for the information and use of such commercial organizations.

Very truly yours,  
 C. R. HEMENWAY.

The communication was received and placed on file.

A communication from the Floral Parade Committee (No. 3) was read by the Clerk, as follows:

Honolulu, Hawaii, February 15, 1911.

To the  
Honorable President and  
Members of the Senate,  
Hawaii Territorial Legislature.

Gentlemen:—

I have the honor to extend to you, on behalf of the 1911 Floral Parade Committee, a cordial invitation to view the Washington's Birthday Floral Parade on Wednesday, February 22nd, 1911, from the Reviewing Stand to be erected on King Street, near the Capitol Grounds.

Very truly yours,  
ARTHUR F. WALL,  
General Director.

The communication was accepted with thanks and placed on file.

A communication (No. 4) from the Clerk of the City and County of Honolulu, was read by the Clerk, as follows:

BOARD OF SUPERVISORS.

Honolulu, T. H., February 15, 1911.

Hon. Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, T. H.

Sir:—

I have the honor to enclose herewith certified copy of Resolution No. 431 which was offered and adopted by the Board of Supervisors of the City and County of Honolulu at a meeting held the 24th day of January, A. D. 1911.

Faithfully yours,  
D. KALAUOKALANI, JR.,  
Clerk, City and County of Honolulu.

RESOLUTION.

No. 431.

RESOLVED, by the Board of Supervisors of the City and County of Honolulu, Territory of Hawaii, That it is the sense of this Board that those premises situated at Kapalama, lying on the Waikiki side of Pua Lane, and known as "Liliuokalani Premises", should be made a park for the use of the people living in that locality;

IT IS FURTHER RESOLVED, That the Governor and the

Commissioner of Public Lands are hereby requested to procure said premises for Park purposes by all means or powers given to them by the laws of this Country; and

IT IS FURTHER RESOLVED, That if it is necessary, the Governor of the Territory is further requested to ask the coming Legislature for an appropriation in order to procure said premises for the purpose aforesaid; and

IT IS FURTHER RESOLVED, That the Clerk of the City and County of Honolulu is hereby ordered to send certified copies of this Resolution, one to the Governor of the Territory, one to the Commissioner of Public Lands, one to the President of the Senate and one to the Speaker of the House of Representatives.

Presented by Supervisor—Makanoe C. Amana.

Honolulu, T. H., February 14, 1911.

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 431 which was offered and adopted at a meeting of the Board of Supervisors of the City and County of Honolulu, held the 24th day of January, A. D. 1911.

(Seal) DAVID KALAUOKALANI, JR.,  
Clerk, City and County of Honolulu.

The communication was received and placed on file.

The Resolution was referred to the Committee on Public Lands.

At this juncture a Message from the Governor (No. 2) was read by the Clerk as follows:

Territory of Hawaii,  
Executive Chamber,

February 16, 1911.

To the Senate:

I have the honor to submit herewith for your consideration the appointments made by me and subject to confirmation by your honorable body.

W. F. FREAR,  
Governor of Hawaii.

APPOINTMENTS BY THE GOVERNOR SUBJECT TO CONFIRMATION BY THE SENATE.

ATTORNEY GENERAL.

Alexander Lindsay, Jr. . . . . February 1, 1910

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Willis T. Pope ..... January 11, 1910

COMMISSIONER OF PUBLIC INSTRUCTION.

William L. Stanley ..... March 31, 1910

COMMISSIONERS OF AGRICULTURE AND FORESTRY.

D. P. R. Isenberg ..... January 10, 1910

Albert Waterhouse ..... January 3, 1911

REGENTS OF THE COLLEGE OF AGRICULTURE AND  
MECHANIC ARTS.

Alonzo Gartley ..... April 30, 1910

Charles Montague Cooke ..... November 13, 1909

Charles Reed Hemenway ..... October 6, 1910

COMMISSIONERS OF IMMIGRATION.

Ernest H. Wodehouse, President ..... August 9, 1910

Alatau L. C. Atkinson ..... August 9, 1910

Alexander M. McBride ..... December 13, 1909

BOARD OF HEALTH.

Walter C. Hobdy ..... January 22, 1910

James F. Morgan ..... May 3, 1910

COMMISSIONER OF INSANITY.

L. J. Warren ..... June 2, 1910

W. L. Moore ..... July 20, 1910

MEDICAL EXAMINER.

James R. Judd ..... March 30, 1910

DENTAL EXAMINER.

Henry Bicknell ..... August 13, 1910

LICENSE COMMISSIONERS

City and County of Honolulu.

Willard E. Brown, first class ..... September 29, 1910

O. L. Sorenson, second class ..... November 10, 1910



## SENATE JOURNAL.

## TRUSTEE OF THE LIBRARY OF HAWAII.

Walter F. Dillingham ..... January 18, 1910

## HONOLULU PARK COMMISSION.

Henry E. Cooper ..... August 8, 1910  
 E. S. Cunha ..... December 22, 1910  
 Charles Montague Cooke ..... February 4, 1911

## MEMBERS OF BOARD OF PUBLIC LANDS.

Alfred W. Carter ..... June 8, 1910  
 William A. Kinney ..... June 8, 1910  
 Samuel C. Dwight ..... June 8, 1910  
 Jacob F. Brown ..... June 8, 1910  
 Frank Andrade ..... June 8, 1910  
 Richard H. Trent ..... June 8, 1910

COMMISSIONER OF STREETS AND SIDEWALK LINES  
AND GRADES, HONOLULU.

Walter E. Wall ..... January 18, 1910

MEMBER, BOARD OF PRISON INSPECTORS, FIRST  
JUDICIAL CIRCUIT.

J. W. Waldron ..... September 27, 1910

## TAX APPEAL COURTS.

## Districts of Puna, Hilo and Hamakua, Island of Hawaii.

George P. Tulloch ..... June 2, 1910  
 R. A. McWayne ..... June 2, 1910  
 L. S. Aungst ..... June 2, 1910

## Islands of Maui, Molokai, Lanai and Kahoolawe.

C. D. Lufkin ..... June 2, 1910  
 P. Cockett ..... June 2, 1910  
 W. L. Decoto ..... June 2, 1910

## BOARDS OF REGISTRATION.

## Districts of Puna, Hilo and Hamakua.

Joseph Vierra ..... August 1, 1910  
 John Kakae ..... August 1, 1910  
 Wm. E. Edmonds ..... July 20, 1910

**Districts of Kau, Kona and Kohala.**

George P. Tulloch ..... July 20, 1910  
 Alfred G. Patten ..... July 20, 1910  
 S. W. Kaai ..... July 20, 1910

**Islands of Maui, Molokai, Lanai and Kahoolawe.**

George Weight ..... July 20, 1910  
 David Morton ..... July 20, 1910  
 Morris K. Keohokalole ..... July 20, 1910

**Island of Oahu.**

Samuel F. Chillingworth ..... July 21, 1910  
 Anastasius K. Vierra ..... July 21, 1910  
 John D. Holt, Jr. .... July 21, 1910

**Islands of Kauai and Niihau.**

Walter F. Sanborn ..... July 20, 1910  
 Charles Blake ..... July 20, 1910  
 J. H. K. Kaiwi ..... October 4, 1910

**ELECTION INSPECTORS.****First Representative District.****First Precinct.**

Daniel Kaloi ..... June 27, 1910  
 J. W. Hauanio ..... June 27, 1910  
 J. S. Kamelamela ..... June 27, 1910

**Second Precinct.**

Henry J. Lyman ..... October 15, 1910  
 J. A. K. Ohia ..... June 27, 1910  
 Joseph Kuaioholani ..... June 27, 1910

**Third Precinct.**

Gustavus Supe ..... June 20, 1910  
 Henry Kaamoana ..... June 30, 1910  
 Joseph Kekoakulana ..... June 27, 1910

**Fourth Precinct.**

William Ragsdale ..... June 20, 1910  
 Kealoha Keliikahi ..... June 20, 1910  
 Moses Dolvon ..... July 2, 1910

## SENATE JOURNAL.

## Fifth Precinct.

R. A. Lyman ..... June 20, 1910  
 Manuel De Coito, Jr. .... November 1, 1910  
 J. K. Maa ..... June 20, 1910

## Sixth Precinct.

E. J. Weight ..... October 15, 1910  
 Samuel K. Pilo ..... September 27, 1910  
 J. Waihee ..... June 20, 1910

## Seventh Precinct.

H. D. Beveridge ..... June 20, 1910  
 Albert K. Unea ..... June 20, 1910  
 Mark A. Rycroft ..... June 27, 1910

## Eighth Precinct.

A. J. Ignacio ..... October 19, 1910  
 Joseph Vierra Toledo ..... June 20, 1910  
 John Kahalekulani ..... June 27, 1910

## Ninth Precinct.

W. E. Smith ..... June 27, 1910  
 James Matoon, Jr. .... July 5, 1910  
 Henry E. Haa ..... June 27, 1910

## Tenth Precinct.

J. W. Leonhart ..... June 20, 1910  
 J. Waiohinu ..... June 20, 1910  
 Philip Rose ..... July 14, 1910

## Eleventh Precinct.

George F. Hall ..... June 23, 1910  
 Henry B. Kukona ..... July 13, 1910  
 John Ai ..... June 23, 1910

## Twelfth Precinct.

William Horner ..... October 19, 1910  
 John G. Jones ..... June 27, 1910  
 J. E. Kanekoa ..... October 12, 1910

## Second Representative District.

## First Precinct.

Ernest K. Akina ..... June 27, 1910  
 H. K. Molale ..... July 12, 1910  
 J. Kamaka Naihe ..... October 3, 1910

## Second Precinct.

J. F. Visher ..... June 27, 1910  
 Charles K. Stillman, Sr. .... July 9, 1910  
 D. H. K. Keohokapu ..... June 27, 1910

## Third Precinct.

William Kaanaana ..... September 27, 1910  
 Thomas K. Pipi ..... September 27, 1910  
 D. W. Kawai ..... September 27, 1910

## Fourth Precinct.

E. M. Muller ..... June 20, 1910  
 Matthew Kane ..... July 14, 1910  
 Joseph Kiaha ..... September 27, 1910

## Fifth Precinct.

Thomas Aiu ..... October 31, 1910  
 John Keawehawai ..... October 31, 1910  
 Charles Wahinano ..... June 20, 1910

## Sixth Precinct.

R. Wassman ..... June 20, 1910  
 J. S. K. Lelelwi ..... June 20, 1910  
 S. K. Kauihana ..... July 18, 1910

## Seventh Precinct.

W. W. Greenwell ..... June 27, 1910  
 George W. Smith ..... June 20, 1910  
 Z. P. Kalokuokamaile ..... June 27, 1910

## Eighth Precinct.

E. Kapa Kaaua ..... July 16, 1910  
 George K. Apela ..... July 20, 1910  
 Samuel K. Kaalalii ..... June 27, 1910

## Ninth Precinct.

Joseph Holi ..... June 20, 1910  
 S. N. Kamaka ..... July 14, 1910  
 David L. K. Kellikuli ..... September 27, 1910

## Tenth Precinct.

F. C. Eaton ..... June 23, 1910  
 Joseph Andrews ..... June 23, 1910  
 N. P. Puoanui ..... June 23, 1910

## Eleventh Precinct.

Robert T. Forrest ..... June 23, 1910  
 J. K. Hopli ..... June 23, 1910..  
 W. H. Lainaholo ..... September 27, 1910

## Twelfth Precinct.

Sam Kamaipelekane ..... September 27, 1910  
 James E. Luau ..... September 27, 1910  
 J. W. Puakea ..... September 27, 1910

## Third Representative District.

## First Precinct.

Charles Gay ..... July 12, 1910  
 Alfred K. Mia ..... June 22, 1910  
 Albert K. Shaw ..... July 19, 1910

## Second Precinct.

R. C. Searle, Jr. ..... June 22, 1910  
 Charles B. Manase ..... June 24, 1910  
 August H. Reimann ..... July 20, 1910

**Third Precinct.**

H. McCubbin ..... June 22, 1910  
 Moses Kauhaahaa ..... June 22, 1910

**Fourth Precinct.**

William Hopli ..... June 27, 1910  
 P. D. Palena ..... June 27, 1910  
 David Kuaimu ..... June 22, 1910

**Fifth Precinct.**

George B. Schraeder ..... June 22, 1910  
 W. R. Boote ..... June 27, 1910  
 Henry Kailiehu ..... June 24, 1910

**Sixth Precinct.**

A. Gross ..... June 22, 1910  
 Ben Manoanoa ..... October 28, 1910  
 S. K. Kanakaokai ..... June 30, 1910

**Seventh Precinct.**

J. J. Walsh ..... October 28, 1910  
 W. B. Hardy ..... June 22, 1910  
 Moses Kaholoi ..... November 3, 1910

**Eighth Precinct—abolished.****Ninth Precinct.**

Guy S. Goodness ..... June 27, 1910  
 P. W. Simeona, Jr. .... June 27, 1910  
 J. D. Keamo ..... July 20, 1910

**Tenth Precinct.**

George Copp ..... October 31, 1910  
 E. H. Kekapai ..... June 24, 1910  
 Allen Newton ..... July 19, 1910

**Eleventh Precinct.**

Sam R. Dowdle ..... June 24, 1910  
 Alfred D. Furtado ..... June 22, 1910  
 David K. Kiakona ..... July 9, 1910

**Twelfth Precinct.**

W. S. Nicoll ..... June 24, 1910  
 Arthur W. Collins ..... June 24, 1910  
 Ben Hokoana ..... June 22, 1910

**Thirteenth Precinct.**

Joseph Emmeslay ..... June 22, 1910  
 Lei Taua ..... June 24, 1910  
 William Smythe ..... July 24, 1910

**Fourteenth Precinct.**

Horace Kekumu ..... June 24, 1910  
 D. W. Napihaa ..... June 24, 1910  
 George Tripp ..... July 20, 1910

**REGULAR SESSION.**

**21**

**Fifteenth Precinct.**

C. J. Austin ..... June 24, 1910  
W. A. Anderson ..... July 9, 1910  
J. Kaiwi ..... June 24, 1910

**Sixteenth Precinct.**

George O. Cooper ..... June 24, 1910  
D. K. Wailehua ..... June 24, 1910  
J. M. Koko, Jr. .... June 30, 1910

**Seventeenth Precinct.**

H. T. Broderick ..... July 6, 1910  
E. K. Kamai ..... June 27, 1910  
P. M. Kaluna ..... July 9, 1910

**Eighteenth Precinct.**

J. P. Inaina ..... June 30, 1910  
Joseph Keawe ..... June 24, 1910  
J. W. Naehu ..... June 24, 1910

**Nineteenth Precinct.**

F. Koalouahi ..... June 24, 1910  
R. W. Kamakahi ..... June 24, 1910  
Solomon Fuller ..... September 27, 1910

**Twentieth Precinct.**

J. H. Mahoe ..... June 24, 1910  
H. H. Ewaliko ..... June 24, 1910  
William Keahi ..... July 18, 1910

**Twenty-first Precinct.**

James G. Munro ..... July 18, 1910  
J. D. Nakeleawe ..... June 24, 1910  
N. S. Pahupu ..... June 24, 1910

**Twenty-second Precinct.**

Emil Van Lil ..... June 24, 1910  
E. K. Malaloha ..... June 24, 1910  
E. J. Kauhahao ..... June 24, 1910

**Fourth Representative District.**

**First Precinct.**

John E. O'Connor ..... October 12, 1910  
James Guild ..... October 25, 1910  
Lukela Kaihumua ..... October 12, 1910

**Second Precinct.**

Albert E. Harris ..... June 25, 1910  
John Kaimi ..... June 25, 1910  
Paulo Ke-a ..... July 11, 1910

**Third Precinct.**

W. H. Charlock ..... June 25, 1910  
John G. Rothwell ..... June 25, 1910  
Henry Asch ..... July 19, 1910

## SENATE JOURNAL.

## Fourth Precinct.

A. E. Carter ..... September 20, 1910  
 Charles T. Littlejohn ..... June 25, 1910  
 C. F. Bush ..... September 30, 1910

## Fifth Precinct.

O. C. Swain ..... October 25, 1910  
 W. W. Chamberlain ..... June 25, 1910  
 George V. Jakins ..... June 25, 1910

## Sixth Precinct.

Job Batchelor ..... June 25, 1910  
 Solomon Hanohano ..... June 25, 1910  
 Claude Haupū ..... July 19, 1910

## Seventh Precinct.

A. D. Scroggy ..... June 25, 1910  
 E. K. Lilikalani ..... June 25, 1910  
 J. A. Lawelawe ..... October 28, 1910

## Eighth Precinct.

James T. Carey ..... June 25, 1910  
 M. M. Ferreira, Jr. ..... June 25, 1910  
 D. Nahoolewa ..... June 25, 1910

## Ninth Precinct.

Eugene K. Allen ..... September 20, 1910  
 Benjamin Dole ..... July 13, 1910  
 Wm. Kahaawinui ..... September 30, 1910

## Tenth Precinct.

O. L. Sorenson ..... September 30, 1910  
 W. H. Babbitt ..... September 30, 1910  
 Moses K. Palau ..... June 25, 1910

## Eleventh Precinct.

John Herd ..... July 7, 1910  
 William Kahlbaum ..... June 22, 1910  
 Moses Pipi ..... June 25, 1910

## Twelfth Precinct.

J. K. Keliikoa ..... September 30, 1910  
 David Kalama ..... September 30, 1910  
 Lima Kahaunaele ..... October 7, 1910

## Fifth Representative District.

## First Precinct.

Ulysses H. Jones ..... June 28, 1910  
 Noa Mahuka ..... June 28, 1910  
 John H. Waihoe ..... June 28, 1910

## Second Precinct.

Moses Akawa ..... September 20, 1910  
 James Davis ..... September 20, 1910  
 J. H. Kukahiko ..... June 28, 1910

## Third Precinct.

Ernest Renken ..... June 28, 1910  
 Raymond S. Pollister ..... June 28, 1910  
 David K. Paapu ..... June 28, 1910

## Fourth Precinct.

R. T. Christofferson ..... June 28, 1910  
 H. N. Kamauoha ..... June 28, 1910  
 William Kamakahi ..... October 7, 1910

## Fifth Precinct.

Montague Lord ..... June 28, 1910  
 L. D. Kellipio ..... June 28, 1910  
 Jonathan Aiu ..... September 30, 1910

## Sixth Precinct.

John Fuller ..... November 7, 1910  
 Frederick Meyer ..... October 12, 1910  
 Kuhia Hui ..... June 28, 1910

## Seventh Precinct.

William Weinrich, Jr. .... June 28, 1910  
 John P. Bento ..... June 28, 1910  
 David Kalou ..... October 7, 1910

## Eighth Precinct.

E. C. Smith ..... June 28, 1910  
 John P. Keppler ..... June 28, 1910  
 J. M. Kaaiahua ..... July 12, 1910

## Ninth Precinct.

Carleton C. James ..... July 21, 1910  
 Frederick H. Kauhi ..... July 28, 1910  
 Charles Kaulukukui ..... September 30, 1910

## Tenth Precinct.

W. B. Hopkins ..... June 30, 1910  
 Wm. Kaai ..... October 28, 1910  
 Abraham K. Kekai ..... June 28, 1910

## Eleventh Precinct.

Harry J. Auld ..... September 30, 1910  
 Elisha J. McCandless ..... June 28, 1910  
 Lapana Keawepooole ..... June 28, 1910

## Twelfth Precinct.

L. A. Perry ..... June 28, 1910  
 Joshua Kamakaokalani ..... June 28, 1910  
 J. P. Kekoa ..... July 16, 1910

## Thirteenth Precinct.

J. L. Fleming ..... September 30, 1910  
 D. L. Kalawaia ..... October 7, 1910  
 W. L. Emory ..... June 29, 1910



## SENATE JOURNAL.

## Fourteenth Precinct.

John K. Notley ..... September 30, 1910  
 F. Luning ..... October 12, 1910  
 Lau Tang ..... July 12, 1910

## Fifteenth Precinct.

Adam Ohia ..... September 30, 1910  
 Sylvester Akana ..... June 30, 1910  
 Isaiah Bray ..... June 29, 1910

## Sixteenth Precinct.

E. R. Davis ..... September 30, 1910  
 W. M. Templeton ..... October 7, 1910  
 Henry C. Brown ..... October 7, 1910

## Seventeenth Precinct.

Jacob Waikalua ..... September 30, 1910  
 Joe Frias ..... September 30, 1910  
 J. P. Kahahawai ..... September 30, 1910

## Sixth Representative District.

## First Precinct.

John Rennie ..... June 29, 1910  
 Edward M. Kahale ..... July 11, 1910  
 J. L. Kaopio ..... July 11, 1910

## Second Precinct.

G. Hansen ..... June 29, 1910  
 Moses Holo ..... October 4, 1910  
 A. H. Alnaike ..... July 11, 1910

## Third Precinct.

M. J. Pereira ..... June 29, 1910  
 S. D. Zakaia Naahielua ..... October 11, 1910  
 John A. Noble ..... July 20, 1910

## Fourth Precinct.

Guy F. Rankin ..... July 2, 1910  
 H. N. Browne ..... June 29, 1910  
 J. A. Honan ..... July 20, 1910

## Fifth Precinct.

R. D. Moler ..... June 29, 1910  
 John Kamanuwai ..... June 29, 1910  
 Charles Aki ..... June 29, 1910

## Sixth Precinct.

Caesar R. Jardin ..... July 11, 1910  
 Henry G. Spalding ..... June 29, 1910  
 K. L. Kahaule ..... July 12, 1910

## Seventh Precinct.

Herman Wolters ..... October 11, 1910  
 M. K. Kanikauehia ..... June 29, 1910  
 Jos. A. Souza ..... July 20, 1910

## Eighth Precinct.

R. D. Lovell ..... June 29, 1910  
 Jos. F. Bettencourt, Jr. ....

## Ninth Precinct.

Robert Scott ..... June 29, 1910  
 Solomon Pipikane ..... June 29, 1910  
 Dan Lovell ..... June 29, 1910

## Tenth Precinct.

Chas. B. Makee ..... July 20, 1910  
 H. K. Kaneha ..... June 29, 1910  
 Solomon Maluna ..... July 5, 1910

Upon motion by Senator Chillingworth, seconded by Senator J. T. Brown, consideration of the foregoing Message from the Governor was deferred until 2 o'clock tomorrow afternoon and the Clerk was instructed to furnish the Members of the Senate with copies of the same.

Senator C. Brown presented Concurrent Resolution (No. 3) which was read by the Clerk, as follows:

## CONCURRENT RESOLUTION.

WHEREAS, Henry Smith, as Trustee under the Will of Richard Meek, deceased, for Mrs. Maud Stein, Richard Reuter, Eli Meek Crabbe and Richard Meek, is the owner of a part or portion of the land set forth and described in deed of His Majesty Kamehameha III to John Meek, dated September 3, 1839, recorded in the Office of the Registrar of Conveyances in Liber 3 at page 192, and the Dowsett Company, Limited, an Hawaiian Corporation, is the claimant of the remainder thereof, and

WHEREAS, the predecessors in title and estate to the parties named have been peaceably and openly in possession of said property since long prior to September 3, 1839, paying taxes thereon and all government charges assessed against said premises, and

WHEREAS, the said John Meek, after the execution of said deed by Kamehameha III to him as aforesaid did within the time prescribed by law present his claim for a Land Commission Award thereon to the then Board of Land Commissioners, and

WHEREAS, it appears by the records in the Department of Public Lands and in the decisions of the Supreme Court of Hawaii that upon the presentation of the claim of said Meek based upon said deed as aforesaid, said Commission caused said deed to be acknowledged by His Majesty Kamehameha III

and said deed so acknowledged as aforesaid was filed with said Commissioners, together with a survey of said land in said deed described, and

WHEREAS, it appears that a Land Commission Award was not granted upon said claim of said Meek for the reason that he was advised by said Land Commission that an award thereon was unnecessary; that "they could give no better title than he already had", and

WHEREAS, the said Meek did act upon the advice of said Board so given as aforesaid and did withdraw his claim for an award to the land in said deed described, and

WHEREAS, in order to prevent future possible litigation, the parties hereinbefore named, being the successors in title and estate to the said John Meek are desirous of obtaining from the Territory, through the Governor and Superintendent of Public Works thereof, a quit-claim deed of any title the said Territory may have in said land by reason of the failure of the said John Meek to obtain a Land Commission Award therefor, in pursuance of the provisions of the Revised Laws, Sections 254 and 276, and

WHEREAS, the said Superintendent of Public Works and the said Governor are in doubt as to whether they should exercise the discretionary power in them vested by said Sections 254 and 276 of the Revised Laws, and give to the said Henry Smith, as Trustee, and to the said The Dowsett Company, Limited, a quit-claim deed as prayed for:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives concurring, That it is the sense of said Senate and House of Representatives that the Superintendent of Public Works and the Governor of the Territory of Hawaii should exercise the discretion in them vested in favor of claim of Henry Smith, Trustee, and said The Dowsett Company, Limited, and execute and deliver to said Henry Smith, as Trustee, and said The Dowsett Company, Limited, quit-claim deeds of all the interest of the Territory of Hawaii in and to the land set forth and described in said deed from His Majesty Kamehameha III to John Meek.

CECIL BROWN,  
Senator from 3rd Senatorial District.

Upon motion by Senator Brown, seconded by Senator Pali, the Resolution was referred to the Judiciary Committee.

Senator C. Brown gave notice of his intention to introduce a Bill, entitled, "An Act to amend Section 2592 of the Revised Laws of Hawaii as amended by Act 76 of the Session Laws of

1905, and as further amended by Section 1 of Act 138 of the Session Laws of 1907."

Senator Chillingworth presented Resolution (No. 3) which was read by the Clerk as follows:

RESOLUTION.

RESOLVED, That the Clerk of the Senate be and he is hereby authorized to furnish the representatives of the daily newspapers with typewritten or printed copies of all bills and resolutions introduced at this session.

CHAS. F. CHILLINGWORTH,  
Senator, 3rd District.

February 16, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Kaleiupu, the Resolution was adopted.

Senator Kaleiupu gave notice of his intention to introduce the following Bills:

1. "An Act to enable the City and County of Honolulu to provide for City and County Loans."

2. "An Act to repeal Chapter 73 of the Revised Laws of Hawaii, relating to Building and Moving Permits."

3. "An Act to repeal Chapter 74 of the Revised Laws of Hawaii, relating to fire limits."

Under suspension of the Rules Senator Kaleiupu introduced Senate Bill No. 2, entitled, "An Act to enable the City and County of Honolulu to provide for City and County loans."

The Bill passed First Reading by title and was referred to the Printing Committee.

The Rules being suspended Senator Kaleiupu introduced Senate Bill No. 3 entitled, "An Act to repeal Chapter 73 of the Revised Laws of Hawaii relative to Building and Moving Permits."

The Bill passed First Reading by title and was referred to the Printing Committee.

Senator Baker gave notice of his intention to introduce the following Bills:

1. "An Act to amend Section 19 of Session Laws of 1905, relating to the collection of Inheritance Tax."

2. "An Act to amend Section 5 and 6 of Act 33 of the Session Laws of 1909, entitled, "An Act to promote the Conservation and Development of the Natural Resources of the Terri-

tory through Immigration and other means by imposing a tax on incomes and appropriating the proceeds for such purposes."

3. "An Act to prohibit any Government Officer from being interested in any Contract or Agreement to which the Government is a Party."

Under suspension of the Rules, Senator Baker introduced Senate Bill No. 4, entitled, "An Act to amend Section 19 of the Session Laws of 1905, relating to the Collection of Inheritance Tax."

The Bill passed First Reading by title and was referred to the Printing Committee.

The Rules being suspended Senator Baker introduced Senate Bill No. 5 entitled, "An Act to amend Sections 5 and 6 of Act 33 of the Session Laws of 1909, entitled, "An Act to promote the Conservation and Development of the Natural Resources of the Territory through Immigration and other means by imposing a tax on incomes and appropriating the proceeds for such purpose."

The Bill passed First Reading by title and was referred to the Printing Committee.

The Rules being suspended Senator Baker introduced Senate Bill No. 6 entitled, "An Act to permit any Government officer from being interested in any Contract or Agreement to which the Government is a Party."

The Bill passed First Reading by title and was referred to the Printing Committee.

The Rules being suspended Senator Baker introduced Senate Bill No. 7 entitled, "An Act to provide for the construction of a wharf at Napoopoo, South Kona, Island of Hawaii, and making Special Appropriation therefor."

The Bill passed First Reading by title and was referred to the Printing Committee.

The Rules being suspended Senator Baker introduced Senate Bill No. 8 entitled, "An Act to amend Sections 12a, 24 and 28 of Act 39 of the Session Laws of 1905, entitled, "An Act creating Counties within the Territory of Hawaii, and providing for the Government thereof."

The Bill passed First reading by title and was referred to the Printing Committee.

Pursuant to Notice given previously, Senator C. Brown in-

roduced the following Bills, all of which passed First Reading by Title and were referred to the Printing Committee, to wit:

Senate Bill No. 9, entitled, "An Act to amend Sections 1856 and 1857 of the Revised Laws of Hawaii, relating to Wills."

Senate Bill No. 10, entitled, "An Act to amend Sections 2965, 2966, 2967, 2968 and 2969 of the Revised Laws of Hawaii relating to the crime of Embezzlement."

Senate Bill No. 11, entitled, "An Act to amend Section 1804 of the Revised Laws of Hawaii, relating to Judgments and Executions."

Senate Bill No. 12, entitled, "An Act to Provide for the Giving of Notice to subsequent purchasers or incumbrancers of the pendency of any action, suit or proceeding affecting or concerning the title or right of possession of real property."

Senate Bill No. 13, entitled, "An Act to amend Sections 2331, 2342, 2337, 2343 of the Revised Laws of Hawaii, relating to sales of real property by guardians."

Pursuant to Notice previously given, Senator Kaleiupu introduced Senate Bill No. 14, entitled, "An Act to repeal Chapter 74 of the Revised Laws of Hawaii, relating to Fire Limits."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Second Reading of Senate Bill No. 1, entitled, "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the year 1911."

Upon motion by Senator Kaleiupu seconded by Senator Chillingworth, the Bill passed Second Reading and was placed on the Order of the Day for tomorrow for Third Reading.

At this juncture the Senate proceeded with the Consideration of Governor's Message (No. 1) which was deferred over from yesterday.

On Motion by Senator Chillingworth, seconded by Senator Robinson, the Message was read throughout.

## GOVERNOR'S MESSAGE.

Territory of Hawaii,  
Executive Chamber,  
Honolulu, February 15, 1911.

## TO THE LEGISLATURE:

The last two years have been the most prosperous of the ten since the establishment of Territorial Government.

Crops and prices have been good; industries have grown in number and extent. During the ten years the population of the Territory has increased nearly 25 per cent and of Honolulu nearly 33 per cent. Territorial receipts exceeded expenditures during the last fiscal year by \$416,582.87; the net general cash balance at the close of the year, after deducting all outstanding warrants, was \$698,970.96, as compared with a deficit of nearly as much five years previously; the total receipts were \$3,641,245.35, as compared with \$2,140,297.36 ten years ago. Imports and exports for the year aggregated \$71,624,659, as compared with \$30,880,478 ten years ago, the increase being \$9,678,175 for the last year alone. The assessed value of property was \$150,268,467, an increase of \$11,357,647 for the year, or \$29,095,539 for the ten years of Territorial Government, and of \$94,014,025 for the twelve years since annexation. Bank deposits were \$13,324,305.54, as compared with \$4,662,131.17 ten years ago, the increase being \$3,666,486.33 for the last year alone.

All this is most gratifying and encouraging, and yet, strange as it may seem, the status of the public finances is such as to require most careful thought in order to avoid another period of financial deficiency at an early date.

## FINANCES.

**The Situation.** The government cannot, any more than a private enterprise, be successfully financed on mere wishes, good intentions or optimism. The businesslike or scientific method is absolutely essential to safety and progress. Action must be based on ascertainment of the naked facts and logical deductions from them. The assumption on the part of some that because there was a net balance of \$753,097.72 on December 31, 1910, there is plenty of money for all purposes and that the only question is how to spend it, illustrates the proverbial danger of a surplus, because it inspires extravagance and blinds to facts.

In the first place, the real surplus for purpose of increasing appropriations is the cash balance immediately before the bulk of the revenues come in and not shortly afterwards, for the

government has to be maintained until the next revenue season, or, speaking with reference to present conditions, for a third of a year from the 31st of last December until the next semiannual payment of taxes. In the second place, not only should allowances be made for maintaining the government from one tax-paying period to the next, but there should, if possible, be maintained a surplus as a margin for emergency expenditures and temporary reductions in revenues. In the third place, the real meaning of the apparent surplus and the possibilities of what may safely be done with it, must be ascertained by an analysis of its causes and an investigation as to the probability of a continuation of such causes.

There were special reasons for a large increase in revenue during the last two years which will not hold for the coming two years, and other reasons which will make necessary an increase in running expenses which should use up the greater part of the real surplus. For instance, owing to the high price of sugar, the general income taxes amounted to \$437,033.92 during the last fiscal year, or \$158,917.22 more than average for the nine years during which those taxes have been collected, or \$43,093.43 more than they had ever been before. While they will fall off little, if any, during the present year, because this year's taxes are based on last year's income, they will fall off heavily next year because of the low price of sugar this year. Again, owing to an unusually large number of deaths of wealthy people, the inheritance taxes yielded during the last fiscal year \$150,153.11, as compared with an average of only \$21,827.87 for the ten years during which those taxes have been collected, which average itself is, because it includes the large receipts of last year, larger than the entire amount received in any preceding year. Again, during the last fiscal year the revenues from both sales and rents of public lands were unusually large; and, owing to the recent amendments of the Organic Act, the sales must necessarily be smaller hereafter, the rents may be considerably reduced by the withdrawal of cane lands for homestead purposes, and a considerable portion of the revenues must be used for surveying and opening lands for homestead purposes, as provided in those amendments. Again, during the last two years a special effort was made to collect back rents, taxes and other government claims, which has resulted in an increase of revenue to the extent of perhaps \$100,000, which cannot be counted on for the coming period because such claims have now been collected pretty well up to date. Again, in view of the stringency two years ago the whole financial situation was gone over most carefully with a view not only to the discovery of new sources of revenue and permanent



methods of economy, but with a view to cutting down appropriations as much as possible until financial conditions should improve, with the result that many appropriations were reduced below the point of permanent safety, so that now they should be restored or increased in order merely to "catch up" as well as to meet growing needs which cannot be avoided.

It will readily be seen that with the absolutely necessary increase in expenditures for the coming biennial period and the absolutely certain large falling-off in the revenues, there will be comparatively little surplus available for permanent improvements out of general revenues.

#### Estimates to End of Present Biennial Period.

Cash balance, general funds, Dec. 31, 1910 .....		\$ 900,450.46
Outstanding warrants .....		147,352.74
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Net available cash balance, Dec. 31, 1910 .....		\$ 753,097.72
Estimated available receipts, 6 months ending June 30, 1911..		\$ 1,325,554.99
		<hr/>
Available for remainder of current period . ....		\$ 2,078,652.71
Balance, previous appropriations, December 31, 1910 ..	\$805,385.94	
Less estimated unex- pended, June 30, 1911, 59,389.51	\$ 745,996.43	
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Additional required, current period	66,142.04	
Payable to Counties .....	523,789.44	\$ 1,335,927.91
	<hr/>	<hr/>
Net available cash, June 30, 1911,		\$ 742,624.80

#### Estimates of Receipts for next Biennial Period.

Secretary of the Territory:		
Miscellaneous realizations .....		\$ 3,416.00
Attorney General's Department:		
Support of United States Prison- ers . ....	\$ 16,000.00	
Fines and Costs .....	250.00	
Realizations . ....	350.00	\$ 16,600.00
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**Treasury Department:**

Property, Income and personal		
Taxes . . . . .	\$ 4,760,350.00	
Inheritance taxes . . . . .	40,000.00	
Insurance taxes, licenses and		
fees . . . . .	46,000.00	
Liquor Licenses . . . . .	170,000.00	
All other licenses . . . . .	6,150.00	
Documentary Stamps . . . . .	75,000.00	
Corporation and Copartnership		
fees . . . . .	15,000.00	
Bureau of Conveyances . . . . .	28,000.00	
Interest on Bank deposits . . . . .	20,000.00	
Interest on Honolulu Waterworks		
bonds . . . . .	57,000.00	
Interest on Honolulu Sewerwork		
bonds . . . . .	17,600.00	
Interest on Kula Pipe line bonds	7,000.00	
Payment on account of Kula		
Pipe Line Bonds . . . . .	10,365.00	
Miscellaneous realizations . . . . .	6,000.00	\$ 5,258,465.00

**Public Works Department:**

Honolulu Waterworks . . . . .	290,000.00	
Honolulu Sewers . . . . .	65,000.00	
Wharfage and pilotage . . . . .	150,000.00	
Powder storage . . . . .	3,600.00	
Kerosene storage . . . . .	750.00	
Realizations . . . . .	10,000.00	5 519,350.00

**Public Lands Department:**

Land Revenue . . . . .	\$ 475,000.00	
Homestead Sales . . . . .	75,000.00	
Other Sales . . . . .	50,000.00	
Interest . . . . .	4,300.00	
Realizations . . . . .	700.00	\$ 605,000.00

**Agriculture and Forestry Department:**

Realizations . . . . .	\$ 1,000.00
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**Survey Department:**

Realizations . . . . .	500.00
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**Public Instruction Department:**

Book Sales . . . . .	10,000.00	
Realizations . . . . .	500.00	\$ 10,500.00

**Public Health Department:**

Kalaupapa Store .....	60,000.00	
Realizations . . . . .	6,826.00	\$ 66,826.00

**Judiciary Department:**

Fines and Costs .....	30,000.00	
Realizations . . . . .	1,000.00	\$ 31,000.00

Total . . . . . \$ 6,512,657.00

From which are to be deducted the following:

Road Taxes to Counties .....	\$ 270,500.00	
One-half other taxes to Counties	1,919,925.00	\$ 2,190,425.00

Leaving available for territorial purposes . . . . . \$ 4,322,232.00

Which, after deducting the following:

Special Income Tax to Immigration and Conservation Funds..	650,000.00	
Honolulu Waterworks, Special Fund . . . . .	290,000.00	
Honolulu Sewerworks, Special Fund . . . . .	65,000.00	
Homestead Sales to Homestead Roads . . . . .	75,000.00	
Other Land Sales to Special Funds . . . . .	50,000.00	
Land Revenue to Surveying and Opening Homesteads .....	50,000.00	
Sinking Fund 1907-1908 bond issue \$294,000.00 .....	30,473.14	
Sinking Fund 1909-1910 bond issue \$200,000.00 .....	20,730.00	
Expenses Legislature, 1913.....	40,000.00	\$ 1,271,203.16

Leaves available for territorial appropriations . . . . . \$ 3,051,028.84

To which should be added the net cash balance on June 30, 1911.

**Estimates of Expenditures for next biennial period.** These, for both current and loan funds, will be submitted in a separate message.

**Permanent Improvements.** It is evident from the foregoing that permanent improvements during the coming period must be provided for mainly out of loan funds. So little has been done in this direction for several years past that there is

pressing need that much shall be done during the next few years. Only \$494,000 of bonds have been issued during the last five years as compared with \$3,350,000 during the previous two and a quarter years. The total amount of bonds now outstanding is \$4,029,000 or only 2.68 per cent of the assessed value of property. Redemptions to the amount of \$130,000 have been made during the first eighteen months of this biennial period. The permanent improvements required will be considered more particularly elsewhere in this message, under the appropriate headings, and perhaps also in a special message, but in general it may be stated here that the principal needs are for wharves, the Honolulu water and sewer works, buildings for territorial institutions, such as Oahu Prison, the Insane Asylum, the Kapiolani Girls' Home, and the Boys' and Girls' Industrial Schools, buildings for the public schools, whether constructed by the Territory or by the Counties, and belt roads.

Any bonds that may be issued for the Honolulu water and sewer works can be paid, principal and interest, from the revenues of those works, as is the case with the bonds now outstanding which represent those works. The same is true in a sense as to bonds that may be issued for wharves, to the extent that the wharves are revenue-producing, for although their revenues are not applied directly to the payment of the bonds, they add to the general funds and thus furnish the means of paying them. As to buildings required for territorial institutions, which are not revenue-producing, assuming that they cannot be provided for entirely out of the general revenues, the amount of bonds that will be required will be comparatively small. As to public school buildings, if their maintenance is to remain with the counties, their construction also, whether by the counties directly or through the Territory, as in the case of the Kula Pipe Line, should be financed by the counties. The same is true also of roads.

**Road Finances.** It is generally supposed that \$400,000 should be appropriated from the surplus for belt roads. There will not be \$400,000 of surplus available for this purpose, unless needs that are both more pressing and morally better entitled to the surplus are neglected, or are provided for otherwise. The first claims upon the surplus are those of the long-neglected and growing needs of the Territorial Government and especially the needs of such territorial institutions and buildings as the industrial schools, the insane asylum, the prison and the Judiciary Building. Not only is it a territorial surplus, the counties having practically no surplus although they have shared in the increase in revenues, but it has been accumulated largely at the expense and through the neglect of

these territorial needs, and these needs are more urgent than those of belt roads. Why take from these superior needs what naturally belongs to them and devote it to other needs, only to make necessary a continued neglect of the former or an increase in taxes or an issuance of bonds to provide for them? Why not issue bonds for belt roads directly? Moreover, the need of belt roads is so extensive that \$400,000 would make scarcely an impression. The County of Hawaii alone out of its comparative property expended nearly half that amount on roads last year alone, and how much is there to show for it as compared with the needs? The City and County of Honolulu spend nearly three-fourths of that amount on roads. All the counties spent at the rate of nearly four times that amount for a biennial period for roads. If this need is to be met at all adequately it must be by the issuance of bonds on a larger scale, in which case it would be simpler and more logical to provide for the entire amount in that way, rather than to split it up by borrowing part of it and appropriating part of it from the general funds, and then borrowing more to provide for other needs that should be met out of the general funds.

Whether the counties should issue the bonds, or, as in the case of the Kula Pipe Line, the Territory should do so for the counties, is a question that should be carefully considered. It would doubtless be more economical if the Territory should do it because it could probably do so at lower rates of interest. But in either case the bonds should not be issued unless definite provision is also made for meeting sinking fund and interest. What provision would be best for that purpose will be discussed under the heading "Taxation" in this message. Nor should such bonds be issued unless the proceeds are to be expended, as in the case of the Kula Pipe Line, by the Territory or unless adequate provision is made for insuring a wise and economic expenditure of the proceeds by the counties, and unless also definite provision is made for the proper upkeep of the roads, for it would be foolish in the extreme and unjust to the future which must pay the bonds, to permit the incurrence of so great an obligation without making sure that the intended benefits would be realized. Following the growing sentiment on the mainlands, already embodied in legislation in a number of states, there should be enacted a comprehensive, carefully safeguarded law insuring proper methods of construction and maintenance of public highways.

**Appropriation Bills.** Two years ago a great advance was made in the form of the general appropriation bill in many respects. I suggest that the policy be adopted of providing only for current expenses in the general appropriation bill, and

providing for all permanent improvements in a separate bill. This will not only be a matter of convenience, but it will draw a sharp line between the two classes of expenditure, with consequent good moral results such as a better sense of financial responsibility and a fuller realization of the relation between revenue and expenditure.

**Regulation of Expenditures.** The law relating to expenditures of public money should be amended in several respects. The limitation of the amount to which expenditures may be made without contracting after advertising for tenders may well be raised from \$500 to \$1,000; the provision would still cover practically all cases where contracting after advertising should be required; other cases should be discretionary to be governed by the circumstances.

Another exception to the limitations should be added so as to permit expenditures to be made, with the approval of the Governor in the case of the Territory and the Board of Supervisors in the case of a county or city and county, in excess of such sum without contracting, when the work is of such a nature that its extent or character cannot be known or specified beforehand with reasonable certainty, or when no tender is received in response to the advertisement.

There should be some limitation upon the counties and city and county, as there is upon the Territory, with reference to the construction as distinguished from the repair of roads, even if it is only a requirement that when the amount involved is more than \$1,000 the county or city and county, even though it performs the work itself, shall first advertise for tenders and, if it rejects them, shall keep a full account of the cost and upon completion of the work publish the cost and the amounts of the rejected tenders.

There should also be a strict provision to prevent any county officer who has anything to do with the letting of a contract or the performance of work for the county from being financially interested in it, directly or indirectly.

There should also be a provision against the anticipation of revenues by counties, that is, the incurrence of obligations in excess of revenues for a given period.

Authority should be given to certain territorial officers to make rules, not inconsistent with law, further controlling and regulating the expenditure of territorial moneys, corresponding to the regulations made by the departments of the Federal Government in regard to traveling and other expenses.

The time within which warrants may be presented for payment, should be limited, as, for instance, to the next biennial period after that in which the warrants are issued. There are now outstanding warrants amounting to several thousand

dollars, covering a period of about thirteen years. Somewhat similar provisions are found in the County and Municipal Acts, and claims against the Territory are barred in two years.

#### TAXATION.

The receipts for the last fiscal year exceeded those for the first year of Territorial Government by more than one and a half million dollars, or 70 per cent, and those of the first year of annexation by more than a million dollars, or 42 per cent, notwithstanding that the customs receipts had not then been transferred to the Federal Government. Since annexation the general property taxes alone have increased by more than the entire amount of customs receipts at that time. There have been large increases in revenues from other sources also, as for instance, from the public lands and from the general and special income and inheritance taxes, which began after annexation. There should, therefore, be ample funds both for current expenses and permanent improvements. And yet even during the last few years of unusually large revenues, very little of the general funds have been used for permanent improvements; and ordinary expenses have had to be cut down to the quick, in order to avoid a deficit. Why?

During the first five years of Territorial Government, owing to large expenditures and the loss of customs receipts, a surplus of about \$700,000 was expunged and a deficit of about equal amount was accumulated. That deficit was then expunged, not, as commonly supposed, by the severe cuts made in expenditures at that time, for that did little more than bring expenditures within revenues, but by changing the times of collection of taxes so as to obtain an extra half year's taxes in one fiscal year: in other words, by increasing the rate of property taxes for that year by 50 per cent, not to mention the imposition of the general income tax a few years previously. How about the last five years?

It is true, the needs of the Territory have increased, because this is a growing country, and yet for some of these needs appropriations have been reduced absolutely and for others relatively to the needs and to the increases in revenue; for instance, the school population has increased two-thirds faster than the expenditures for public schools. The prime cause of the difficulty has been the establishment of local governments. This has necessarily involved additional governmental machinery; for instance, the salaries and incidental expenses of the mayor, supervisors and clerks alone, who are entirely new officers, amount to about \$85,000 in a biennial period. Local government has also necessarily in-

volved much duplication of governmental machinery; as, for instance, by requiring five treasurers', auditors' and attorneys' offices instead of one. The additional four offices of these three classes cost an additional \$110,000 in a biennial period. But this is not all. The Legislature limits the amounts that can be expended for Territorial needs of an elastic nature, but places no limitations upon the amounts that may be expended by local governments in such cases; the only limitation is the amount of money available, and that has not always proved a limitation, for in some cases obligations have been incurred beyond the available funds; for instances, during the last year the counties expended \$721,380.66 on roads and bridges, or nearly two and a third times as much as the Territory expended for similar purposes out of general funds during the last year before the establishment of county government. Much hope has been set upon a proposed appropriation of \$400,000 by the Territory for roads in the several counties, while, as a matter of fact at the rate just indicated, the Legislature practically appropriates for a biennial period nearly four times that amount by turning over to the counties for road purposes revenue to that extent, although it does not specify that it is for that object. In other words, under present conditions local government is a sieve for territorial funds; there is no limit to the amount that can be used or that will be desired.

This is not necessarily an indictment of county government. Much of the increased expenditure is inherently necessary; much, as, for instance, that which is expended on roads is expended for excellent purposes and may be expended wisely; even if much is expended unwisely, the increased expenditure may be sufficiently compensated for in the educational value and the possible greater degree of satisfaction which come from local government. The fact remains, however, that all these expenditures require vast sums of money and that, if they are allowed to continue to be increased as they have been increasing during the five years of local government, there must be an increase in taxation, just as there was during the previous five years, although for different reasons. County revenues, although liberal at the start, have increased by almost one-half, or from about nine hundred and fifty thousand dollars to about one million four hundred thousand dollars a year during the last three years. Assuming that the establishment of local government is justified, it does not follow that we should be satisfied with its results, if they can be improved. What is the remedy?

The result has been precisely what might have been expected under the system of a common money bag, with no



fixed responsibility and merely a question of how large a share of the common fund each could obtain. Human nature and the methods of elections are such, as shown by experience the world over as well as here, that members of the Legislature, however high minded they may be, tend to regard themselves too largely as representatives of their respective constituencies for the purpose of getting what they can for them, and too little as members of a central legislative body whose first duty it is to legislate for the welfare of the country as a whole. The natural result here has been a constantly increasing demand for funds for the counties and a constant granting of such a demand by turning over large sums, and that, too, in greater part with no limitations upon their expenditure. What incentive can there be, except a high sense of public duty, on the part of territorial officials to economize, when there is every reason to expect that their savings will be turned over to the counties; or what encouragement if, however painstaking they may be, they are thereby deprived of the means of doing advance work or even good routine work; and what further incentive is there on the part of county officers to economize, when the accumulation of a surplus would be prejudicial to, and the want of a surplus an additional argument for, a larger share of the common funds, and when there is no apparent and practically no real connection between economy on the part of any one county and the cost to the people of that county? The inevitable tendency under this system is to urge the counties and starve the Territory; to turn over to the counties biennially nearly a million and a half dollars for roads and nearly twice that amount for all purposes, and allow such Territorial institutions as the Boys' and Girls' Industrial Schools and the Insane Asylum to get into their present disgraceful condition and the public schools and the public health to go begging. The Territorial executive cannot do something with nothing. It cannot, however economical and efficient it may be, maintain such institutions and perform its proper functions successfully upon half rations. The responsibility is on the Legislature to make adequate provision for these needs, but under the grab-bag system this has thus far been found impossible. Sooner or latter the rate of taxation must be increased unless there is a change in the system. There can be no escape from this through an attempt to satisfy the demands of the counties by constantly increasing their allotments from Territorial funds. The system is loose, illogical and unbusinesslike. There is lacking the one essential to safety and soundness—definite responsibility and independence. That cannot be brought about without a separation of the sources of revenue. It may

be contended that these conditions can be remedied without disturbing the system, but that is to disregard history and human nature. We cannot expect to operate successfully here by methods which have been found unsatisfactory elsewhere under equally favorable conditions. The Territory and each county should stand on its own foundation with its own sources of revenue, to be increased or decreased independently according to needs and with the relation between the pockets of the people and the expenditures of their representatives direct and conspicuous.

The principal sources of revenue are the property, income, personal, inheritance and insurance taxes, and public land rentals and license fees. The land rentals would naturally go to the Territory as they do now, for they are peculiarly territorial in nature. Liquor license fees also would naturally go to the Territory so long as the liquor question is handled as a territorial problem, and most other license fees would naturally go to the counties. As to taxes, the property and personal taxes would naturally go to the counties because they are local in nature, excepting that taxes on property which is not confined to one county should go to the Territory, as, for instance, the property of steamship, cable and wireless companies. The income, inheritance and insurance taxes would naturally go to the Territory because their subjects are not local in nature.

Similar conclusions have been reached on the mainland, although there the conditions have been reversed. Here, the property taxes are assessed and collected by the central government, there by the local governments, and yet, although the share of the central government there has usually been a definite percentage independent of the percentage collected for the local governments, no device has been discovered, notwithstanding investigations by numerous commissions, for overcoming the inherent objections to the system, except the device just mentioned of completely separating the sources of state and local government revenues upon some such line of division as that above indicated. On the mainland of course the property taxable by the state is far large in proportion than would be the case here because there are railroads there that pass through more than one county, while here the counties are separated by water.

The separation of revenues does not necessarily involve the assessment and collection of taxes by the counties. It may be made without disturbing the present method of assessment and collection, but it is a serious question how far the expected benefits would be realized if only a half-way measure were adopted. There should be independence and self-re-

liance to the fullest extent possible; an entire divorce, if possible, from the idea that there is somewhere outside a money bag that can be drawn on. The separation of classes of revenue within a common bag on logical lines would go far, but a separation of bags would go much farther. The counties, moreover, ought to be able to collect the large amounts as well as the Territory, and the personal taxes and smaller amounts of property taxes better. Figures are not yet available for the entire Territory, but those for the County of Kauai, which ought to be as favorable as any, show that of the males of tax-paying age more than twenty per cent do not pay personal taxes. To digress for a moment from the main question, this suggests whether it would not be advisable, in view of the difficulties and expense of collecting personal taxes and the annoyance and dissatisfaction caused by their collection, to abolish them and provide for an equal amount of revenue from other sources.

Nor does this plan necessarily involve the fixing of the rate of taxation by the local governments, and yet it would seem to be desirable that they should do so within certain limits. The maximum rate could be fixed by law as well for such governments as for the Territorial Government. Their discretionary power in this respect would be for the purpose of reducing and not of increasing the rate. This also would bring home to the voters the direct connection between their pockets and county expenditures and offer an additional inducement for the election of officers who would economize and keep the taxes down; and if one county government should reduce its rate of taxation the voters in other counties would want to know why their counties should not do likewise.

It would probably be advisable also to require that one rate should be fixed for running expenses and another for permanent improvements, the two together not to exceed a certain rate, say, two-thirds of one per cent. This would still further fix responsibility and tend to increase the interest of the voters in elections, for it would be obvious that if running expenses were kept down there would be more for permanent improvements.

In addition to the rate thus fixed for running expenses and permanent improvements, there should be an additional rate, without limitations as to amount, for obligations that are absolute and that must be met in any event and that are determined by law, such as for interest and sinking fund on bonds issued by or for the counties and payments to the Territory for the public schools, if the proposed school fund law should be enacted.

If it be argued that the local governments might increase

the assessment values of property in order to circumvent the requirement of a fixed tax rate, it might be replied on the one hand that the tax appeal courts should still be left appointable by the Governor with the consent of the Senate, as a part of the territorial judicial machinery for the protection of people generally in the Territory, and that appeals lie from such courts to the Supreme Court; and on the other hand that one of the chief advantages of this system would be that it would bring home forcibly to the electorate the direct connection between the amount which they have to pay in taxes and the persons whom they elect as supervisors and lead them to act accordingly. If it should be argued that the rate might be unduly increased indirectly by issuing large amounts of bonds and thereby necessitating large expenditures for interest and sinking fund, it may be replied that the rate for such purposes also would be fixed by law indirectly because no bonds could be issued except by legislative and presidential authority; or, if that should be deemed insufficient, these payments might be included in the fixed rate and made a first charge on it.

Some such arrangement as this would seem to be an essential to successful local government and must come sooner or later in any event. It would seem to be better that it should come before the counties have become accustomed to such excessive amounts of revenues as will make it difficult to avoid permanent higher rates of taxation.

This separation of revenues would; in some respects, be more advantageous to the counties than to the Territory, for it would give to the counties the general property taxes, which are steady and constantly increasing in amount, while it would give to the Territory sources, such as the income and inheritance taxes, which are extremely variable, but notwithstanding this it would seem to be a wise move from the Territorial standpoint.

In order to effect this separation, a number of acts would be required but all of them comparatively short and simple.

#### LOCAL GOVERNMENT.

The establishment of local government was one of the most far-reaching and important governmental changes ever made in Hawaii. Hitherto the main question with some has been how to extend it and with others how to check it. The question now with all should be how to perfect it, for it is here to remain. The County and Municipal Acts are superior to many of the older corresponding acts on the mainland and have been administered on the whole better than many anticipated, but they fall short of what they should be and of

the best that has been developed in recent years elsewhere. The proper development of local government is a question of the people who are parties in interest, as distinguished from the officers and particularly those who may happen to be in office for the time being. The question is not between the Territorial and the local governments, but between the local governments and those whose servants they are. The people should in their own interests insist on the best for their respective county and city and county governments.

**Selection of Officers.** The old notion that the larger the number of elective officers the greater the extent to which the people govern themselves, has been exploded. A government is not truly a government by the people except in so far as it is responsive and responsible to the people. The way to secure that in the largest measure in a local government is to elect those who determine policies, namely, the supervisors or directors, and let them appoint the officers who are to carry out their policies, just as is done in business corporations, to which local governments are usually likened. Otherwise, there must be friction, lack of coordination, and absence of complete responsibility on the part of any one.

This is also in the direction of the short ballot, which is now advocated by the best thinkers on this subject. The fewer the names on the ballot, the more can the voters concentrate their attention upon them and form correct judgments in regard to them, the better and more capable must nominees be in order to get elected; and the greater the inducement for such men to become candidates. Multiplicity of elective offices is the delight and opportunity of the ward politician.

I suggest that the supervisors and auditors alone be elected, and that the supervisors be given authority to appoint all other officers, except the auditor, who should be independent of the supervisors.

**Election at large.** One of the features most relied on for good local government elsewhere is that of the election of supervisors at large. The larger the constituency, the higher in general must be the ability and character of a candidate in order to get elected, and an officer so elected is apt to regard himself more as the representative of the entire county or city and county and less as the representative of his particular district. This is one of the best remedies for "ward" and "pork-barrel" politics. The Supervisors are now so elected in the City and County of Honolulu. They should be so elected in the other counties, except perhaps in the County of Hawaii, where four might be elected from one side and three from the other side of the island, or three from each

side and one at large, or all might be elected at large but three be required to be residents on one side and three or four on the other side, although this would probably be the case as a matter of practical operation in any event.

**Status of Mayor.** Following the analogy of business corporations, the old dual system of executive and legislative bodies in local governments is being rapidly displaced by that of a single business body. The Mayor of the City and County of Honolulu should be a member of the Board of Supervisors with a vote and no veto power. Business ought not to be clogged by red tape or by having a mayor of one political party and a board of a different party. A local government ought to not to be made top-heavy with the machinery of a state. The majority should shoulder full responsibility, control policies and be able to proceed in a businesslike way. This would not detract from the power or dignity of the office of Mayor, who could still be elected as such, by the presiding officer of the Board and have a general superintendence over work of the City and County. His dignity and power might even be increased by this change.

The three changes above recommended, if made, would probably better not be made operative until the expiration of the terms of the officers already elected.

**Financial Operations.** Recommendations have been made under the heading "Finances" to prevent officers of local governments from anticipating revenues and from becoming interested in county or city and county contracts, and to guard against waste in expenditures for the repair and construction of roads.

**Financial Reports.** There should be more frequent, more complete and more uniform financial reports on the part of the counties and city and county. The provisions of law upon this subject at present are far from satisfactory. Reports should be published at least quarterly and annually and these should be in a form approved by the Territorial Auditor, in order that they may be uniform and admit of comparisons and compilations. By requiring them to be published quarterly, the people can be kept acquainted with what is being done, and compilations can be made, not, merely for comparisons between the different counties and city and county, but also for use in connection with the Territorial finances, the fiscal year of which does not correspond with the fiscal year of the counties and city and county.

**Readjustment and Division of Functions.** The division of functions between the Territorial and local governments has not been systematic or altogether logical. It has been made in part with reference to the relation between revenue and

expenditure in the case of a particular function or on the hit-or miss plan. Some functions have been transferred which perhaps should not have been transferred to the local governments and many others have not been transferred which should be. Not only that, but there has been followed to a considerable extent the easy and loose method of transferring to the local governments powers and duties wholesale, without reference to the effect upon existing statutes, and, in consequences, it is often a question what the respective powers and duties of the Territorial and local governments are.

An effort should be made to "clean up" and "straighten out," as it were; first, by transferring to the counties exclusively many of the powers and duties in regard to roads, sidewalks, parks, buildings and other subjects, over which the Territorial Government may still have considerable to do under the language of the statutes; secondly, by repealing many statutes, such as those in regard to road supervisors, road boards, cantoneers, and so forth, which are now obsolete or inoperative by reason of the local government acts; and, thirdly, by amending statutes so that they will show precisely who are to execute them. In the future, care should be taken in adding to the functions of local governments to do so, not by plastering one statute upon another but by enacting or amending the statutes intended to relate to a particular subject; in other words, there should not be two statutes, one relating to the Territorial and one to the local governments on the same subject, but one statute dealing with the entire subject. The classification of laws should be according to subject matter and not according to those who may happen to operate under them.

An additional reason for following these suggestions is that the statutes as a whole may be in proper shape when a new revision of the laws is made, which probably should be soon.

**General Laws versus Ordinances.** In respect of many subjects there is no reason why there should be different ordinances with different provisions in the several counties. Ordinances, as a rule, are not apt to be so well known as general laws, are not so accessible, and are confusing where they differ in different counties. It would be conducive to certainty and convenience if the Legislature should enact necessary legislation, to the extent to which there is no need of local variation, for the entire Territory, leaving it to the officers of the several local governments to execute such laws. There are a number of subjects, as, for instance, those of automobiles, moving picture exhibitions and bill boards, upon which legislation is desirable both for purposes of uniformity of law and





in order to secure adequate provisions throughout the Territory.

With reference to automobiles the tendency on the mainland is to place these under the central rather than the local governments, with one series of numbers for the entire state or territory. At any rate, a license issued in one county should be required to be recognized in other counties, and, in line with interstate and also international movements now under way, licenses issued in other counties should by comity be recognized here when similar recognition is given there to licenses issued here.

**Record Offices.** Whether offices for recording instruments should be established in the several counties, or the present central office should be continued exclusively, is a matter upon both sides of which much can be said. The present system is simpler and even more convenient for people in certain parts of other counties than offices in their own county seats would be, and yet such local offices would undoubtedly be a great convenience to a large proportion of the people in the other counties. It may be possible to devise some method by which such offices can be established in the several counties without too seriously detracting from the advantages of the present system.

### ELECTIONS.

**Direct Primaries.** The Australian ballot system has long since been adopted nearly everywhere, in spite of strenuous opposition by factional interests, the object being to secure a true expression of the popular mind at elections. Experience has shown, however, that secrecy and freedom at the polls alone is insufficient to effectuate the choice of the people when that choice is limited to candidates whose selection is determined mainly by factional interests through the existing convention machinery for nominations, and consequently the direct primary is now being rapidly adopted by one state after another for the purpose of securing in nominations the same safeguards and freedom of expression that the Australian ballot system is intended to secure in elections. Even this reform has been found inadequate in many places and now a third reform, that of the initiative, the referendum and the recall, is sweeping over the civilized world, designed to make real the ideal of popular government. Fortunately, conditions in Hawaii have not reached a stage calling for the third reform, and the need even of the second reform, that of the direct primary, is less here than in many other places, but it would seem to be a step in the right direction that may well be taken, at least by way of experiment for county and city and



county elections or for city and county elections alone. I suggest that in considering this question the new so-called Berkeley system be given careful consideration as one which may have the advantages and at the same time be free from some of the disadvantages of the ordinary direct primary system.

**Permanent Register.** For purposes of economy and still more for the convenience of voters, I strongly recommend that provision be made for a permanent register of voters, in which only necessary additions and changes need be made from time to time.

**Official Count.** Recent experiences in close elections and the unsatisfactoriness of the present modes of contesting elections suggest the desirability of providing, as is done in some other places, for an official recount of the ballots cast for county and city and county officers.

**City and County Inspectors of Election.** The provision for the appointment of inspectors of election by the Mayor of the City and County of Honolulu should be repealed in order to avoid unnecessary confusion, inconvenience, expense and duplication of machinery. Where the same machinery will do for both territorial and local elections there should be no duplication. There is no more reason for extra expense in the duplication of election machinery in the case of the city and county than in the case of the several counties, or for separate inspectors than for a separate board of registration. Thus far the Governor and the Mayor have cooperated by appointing the same persons and using the same booths for both territorial and city and county elections, and have thus avoided the objectionable consequences which would follow if the principle of the statute were carried out, namely, that of having separate inspectors, which would involve the additional expense of paying them as well as of providing separate booths and the inconvenience to voters of being obliged to vote at two places on the same day. But such cooperation may not always be possible.

**Tenure, Boards of Registration and Inspectors.** Certain changes should be made in the terms of office of the members of boards of registration and inspectors of elections. These offices are very numerous and now have to be appointed within a very short time and therefore without sufficient care as to their selection, and, although they are supposed to represent different political parties, this naturally becomes impossible to some extent owing to changes in party affiliations; the inspectors usually serve for only a day or two once in two years. I therefore recommend that the tenure of inspectors be shortened to not more than two years, and that the term of office of members of the boards of registration be changed so that the terms of different members may expire in successive

years, thus making more frequent changes possible and at the same time making the boards continuing bodies.

#### PUBLIC SCHOOLS.

**General.** The change from a Board of Commissioners of Public Instruction appointed from Honolulu, which made possible frequent meetings, to one composed of members from the different islands, which practically limits the number of meetings to two a year, while it has its serious disadvantages, has perhaps, all things considered, operated well. The Department is working out various important problems; among others the development of the supervising principal system, with marked beneficial results; the Department has had the effective cooperation of the Board of Health in the increasingly-serious matter of medical inspection of school children; industrial training has been extended; a summer school was held last year with the aid of private contributions. These and other matters deserve lengthier consideration, but the problem of funds in general for the public schools is so transcendently important that attention will be concentrated on that.

**Funds.** Each Legislature is apt to be remembered, to its credit or discredit, but generally to its credit, for one or more important acts or omissions of unusual consequence. This Legislature ought to earn a lasting name as the friend of public schools. Hawaii may justly be proud of its public school history, but of late it has been in danger of losing some of its good reputation in this respect. This had been not so much from indifference as because of financial stringency. The financial status, however, has not greatly improved and it is high time that this too-long neglected public service should have its own day in court, as it were.

During the ten years of Territorial Government the number of pupils in the public schools has increased more than 75 per cent, while the cost of maintenance, exclusive of new buildings, has increased less than 45 per cent. In other words, the number of pupils has increase about  $66 \frac{2}{3}$  per cent faster than the expenditure for maintenance, notwithstanding that pupils to the number of about 30 per cent of those in the public schools are accommodated in private schools. There has lately been a falling off also in the construction of new school buildings. There is deficiency all along the line—in school room accommodation, in number of teachers, and in pay of teachers and consequently in the qualifications of many teachers. Many teachers have twice as many pupils as they should have. Many children of school age are unable to attend school for lack of room and teachers. In order to meet

this serious situation the last Legislature provided for a "School Fund Commission" to make a thorough study of the subject and report its conclusions. This commission has devoted much time to the work and has presented a lengthy report with its recommendations, which I commend to your most careful consideration.

The commission recommends that the Department of Public Instruction prepare a salary schedule for teachers, principals, and supervisors, subject to revision from time to time and to the limitation that the total number of teachers, principals and supervisors in any one year shall not exceed one for every twenty-five pupils enrolled during the preceding year; also that the Department shall each biennial period prepare a budget in two parts, one, a general fund covering expenses of maintenance, other than of buildings and grounds, and the other a special fund covering new buildings and grounds, maintenance of buildings and grounds, furniture and janitor service, this budget to be subject to revision first by a Committee of Estimates composed of representatives of the territorial, county and city and county governments and later by the Legislature; and that, to meet the requirements of this schedule and of this budget, all the school taxes shall be set aside, as was the case until 1898, and that enough additional moneys be set aside for the same purpose, out of the general property taxes. This may involve an increase in such taxes, whether those taxes continue to be divided between the Territory and the counties or are turned over to the counties exclusively and whether or not their assessment and collection are transferred from the Territory to the counties, as suggested elsewhere in this message. The scheme is equally feasible in either case and is so important to the highest permanent interests of the Territory that the increased burden, if any, should be cheerfully borne.

**School Buildings.** The last Legislature transferred to the counties the maintenance and repair of public school buildings, except those of the Normal, the Lahainaluna, and the Boys' and Girls' Industrial Schools. This has operated well in some counties but disastrously in others. In principle it is wrong to place the body, namely, the Territorial Department of Public Instruction, which has charge of the schools, at the mercy of other bodies, namely, the counties, in respect to the condition of the buildings in which that body must conduct its schools. Such a division of authority is theoretically unsound unless provision is also made to prevent the otherwise natural results. Some governmental functions are of such a nature that they ought to be performed better by the local governments than by the central government, and in such cases the functions should be vested in the local governments as

exclusively as practicable. In the matter of public school buildings the circumstances are such that the local governments can do little, if any, better than the central government, but if it is deemed best to permit the maintenance and repair of school buildings to remain in the local governments it should be only upon condition that the local governments expend sufficient money for the purpose and perhaps also make repairs to a certain extent upon the request of the Department. The importance to the pupils directly and to the community indirectly of properly maintained school houses and the large value of property at stake necessitate either the restoration of this responsibility to the Territory and the making of adequate appropriations for meeting it, or compulsory performance of the duty on the part of the local governments. The construction of new school buildings has been so much neglected of late that a large number should now be constructed in order to recover lost ground.

**Special Schools.** The Normal and the Lahainaluna Schools need additional building accommodations, and the Boys' and Girls' Industrial Schools have been so neglected in this respect for years past as to be a disgrace to the Territory, although they have been conducted with such superior efficiency and economy in spite of these drawbacks as to be in other respects a great credit to the Territory. Adequate provision for new buildings should be made for all these schools, and the Girls' School should be moved from its present undesirable location to a better location, preferably in the suburbs of Honolulu or in the country, thereby at the same time giving to the adjoining Kaiulani School a desirable addition to its grounds.

**Lahainaluna Judgment.** A judgment has been rendered against the Territory for \$15,000 upon a contract made in 1849 under which the Lahaina School was transferred to the Territory on certain conditions as to instruction in religious and other subjects. An appropriation should be made for this sum, with interest and costs.

#### PUBLIC HEALTH.

**General.** Perhaps no branch of the government has a wider range of activities or exercises more important functions or comes into closer touch with the people than the Department of Public Health. It is next to the most expensive department and its needs are growing with changing conditions. It is becoming more and more evident with the increase of population, the introduction of new nationalities and the increasing commerce with Mexican, Central American and Oriental ports, that the Territory cannot afford to take unnecessary

risks in this matter. During the present period no department has received a more thorough overhauling, with a view to more businesslike and scientific methods and increased efficiency generally. The Department has received in many lines of its work valuable financial and other assistance and cooperation from the Federal Government, some of the county governments and many private organizations and individuals. Some of this financial assistance cannot be counted upon in the future. The Territory should provide amply for present and future requirements.

**Sanitation.** Special attention has been given to the organization and extension of this work on several islands, much of which has been made possible through the cooperation of the sugar plantations. Provisions should be made for a capable chief sanitary inspector and the necessary assistants on each of the large islands.

The appropriation for the suppression of contagious and infectious diseases and similar purposes, has been exhausted in consequence of epidemics on several islands. An appropriation of at least \$20,000 should be made immediately for meeting these needs during the remainder of the period.

The law requiring notice of cases of contagious and infectious diseases to be given to the Department should be amended so as to enlarge the classes of diseases of which notice must be given and so as to expedite the giving of such notices.

There should also be legislation covering the subject of tuberculosis and mosquitoes, especially in order to secure adequate action on the part of the public in the prevention and suppression of these evils.

**Leprosy.** The carrying out of the new policy adopted two years ago in regard to the segregation and treatment of persons afflicted with this disease is now well under way, with most satisfactory results. The necessary additional grounds have been obtained and many of the buildings constructed for the new hospital at Kalihi and these are in use. The success of the new method is shown by the large number of persons who have presented themselves for examination and have willingly submitted to segregation and treatment. The result, although many patients have been discharged as cured, will probably be a large increase in the number to be cared for in the immediate future, followed by a gradual but rapid decrease.

The officers of the United States Public Health and Marine-Hospital Service are cooperating with the Department at this hospital and have, among other things, succeeded in accomplishing, what had long been considered the next important step towards a cure of the disease—the cultivation of its ba-

cillus, which gives much hope for an early discovery of a definite means of cure.

**Tuberculosis.** Public sentiment appears at last to have become aroused to the necessity of a strenuous campaign against this most devastating of all diseases, and during the present period much organized work has been initiated with that end in view. A good beginning was made with the aid of an appropriation of two years ago, which should now be increased, and a vast amount of work has been performed by cooperating bodies, public and private. Naturally the work has been carried furthest in Honolulu, where the need is greatest and where many organizations and individuals have combined to conduct the campaign through the "Palama Settlement." A day camp, pure-milk depots and other institutions are maintained and district nurses employed. The County of Maui has established a sanatorium in a suitable locality and erected several buildings. The Department, besides assisting other bodies engaged in this work, maintains a system of inspection for the discovery and treatment of cases and disinfection, and keeps full records of patients and the places where they have lived.

**Sanitary Commission for Honolulu.** The special conditions existing in Honolulu, such as the size and character of its population and large areas of marshy or otherwise wet lands, and the fact that it is the main port of call for trans-Pacific steamers, have for many years suggested the need of a comprehensive investigation by experts for the purpose of securing permanent immunity from certain diseases, especially yellow fever and malaria. The approaching completion of the Panama Canal emphasizes the need of early action in this direction. It is difficult to conceive of any problem which may prove to be fraught with greater consequences to the future welfare of the Territory. In view of the large military and naval plans of the Federal Government for Honolulu and its surroundings, the position of Hawaii as a health outpost as well as a military and naval outpost for the protection of the mainland, and the possible magnitude of the work, the United States Government would seem to be equally concerned with the Hawaiian Government in this matter, and it would therefore seem advisable that the investigation and planning for the required work should be done by a commission consisting of a United States army engineer, an officer of the United States Public Health and Marine-Hospital Service and a local resident familiar with Hawaiian health laws and land tenures. I suggest an expression of opinion on the part of the Legislature in the form of a resolution in regard to this matter.

**Subdivision of City Blocks.** Many of the blocks in Honolulu, especially in the Fifth District, are of objectionable size, not

only from the standpoint of economic value and civic requirements, but especially for sanitary reasons. It is extremely important that action should be taken by which such conditions may be remedied.

**Insanity.** The powers of the Commissioners of Insanity should be enlarged by authorizing them to subpoena witnesses and administer oaths in conducting cases on appeal, and to permit of the asylum inmates to leave the institution upon parole under proper conditions.

The Insane Asylum has long been overcrowded and especially inadequately provided with rooms for single patients and with hospital accommodations. There is most urgent need of appropriation for these purposes. Part of the work for the new buildings may be done by the inmates.

### PUBLIC WORKS.

**Coordination of Departments.** Two years ago this Department and the Departments of Public Lands and Survey were coordinated by providing for the appointment of the same person over each of them. This has resulted in the anticipated advantages of unity, economy and efficiency, but it has not been entirely without disadvantages. There has been too much for one man to attend to without more adequate provision for superintending assistants. There should be a man at the head of the important Department of Public Lands, corresponding to that at the head of the Survey Department; that is, regarding these three departments as practically in the nature of bureaus of one department, each bureau should have a superintending head in addition to the office force, excepting that the head of all three may well act as superintendent of one of them. This is needed especially in view of the large amount of detail work involved in the Department of Public Lands, and the increased activities of that department under the recent amendments of the Organic Act.

**Transfers to Counties.** The Legislature also transferred two years ago to the local governments a number of minor powers and duties of the Superintendent of Public Works. There are others that should be similarly transferred as recommended under the heading "Local Government" in this message.

**School Buildings.** The main functions of the Department of Public Works have to do with harbors and wharves, water and sewer works and the construction of school and other public buildings and homestead roads. During the present period little has been done in the construction of new school buildings for want of appropriations for that purpose, but, as shown under the heading "Public Schools," much should be done during the coming period.



**Homestead Roads.** This subject is covered under the heading "Public Lands."

**Wharves.** With the \$100,000 appropriated from loan funds for Honolulu harbor and wharves, the slips on both sides of the Hackfeld wharf have been dredged, the wharf has been widened at its inner end, and its shed has been extended, thereby adding much to available wharf accommodations; the Sorenson wharf has been widened; the building on the Alakea wharf has been lengthened, and a contract has been let for the construction of the Richards Street wharf. Out of previous appropriations the main building on the Hackfeld wharf has been erected and the Honuapo wharf constructed.

Licenses have been granted for the construction of a large wharf at Hilo and two wharves at Kahului and one of the wharves has been constructed at the latter place. The negotiations in connection with Kahului involved also a transfer of the harbor frontage and land for streets by private owners to the Territory. These arrangements were a prerequisite to obtaining Congressional action for the extension of the breakwater and dredging the harbor.

Provision should be made by the issuance of bonds for much wharf construction during the coming period. This is especially necessary because of the approaching opening of the Panama Canal, for which event preparations must be begun early in order to have the necessary wharf facilities when that event occurs. The principal immediate need at Honolulu is the construction of another wharf and building somewhat similar to the Alakea wharf and building and next to it on the westerly side. It is a question deserving of careful consideration whether the Territory should construct the wharf at Hilo, as it may do under the terms of the license, or permit the licensee to do so; and also whether the Territory should purchase the wharf already constructed at Kahului under the license recently granted, as it may do under the terms of that license. Similar wharves are required particularly at Napoopoo, Mahukona, and Hanalei, and provision should be made for a larger wharf for ocean steamers at Kaawaloa on condition that the present railroad running in a northerly direction shall be extended to the wharf and the contemplated railroad to the south shall be constructed and both of them utilize the wharf as their terminus. That apparently is the only suitable place on the west coast of the island of Hawaii for a wharf for large ocean steamers.

Larger appropriations are needed for wharf maintenance.

The Wharf Commission has presented a very complete and valuable report in regard to private wharves and landings, which should have your careful consideration.

**Honolulu Water and Sewer Works.** The action of the last



Legislature in putting the Honolulu water and sewer works on self-sustaining basis has been justified by the results. With these works there was taken over the obligation to meet the interest and sinking fund on an amount of bonds, \$947,656.27, the proceeds of which went toward the construction of these works. During the first eighteen months of the biennial period the receipts amounted to \$269,293.39—an amount larger than was anticipated because of the vigorous and successful effort made for the collection of back sewer rates. The expenditures were \$268,688.22, namely \$18,427.70 for redemption of bonds; \$56,619.82 for interest on bonds; \$55,437.18 for permanent improvements; and \$148,203.52 for operating expenses.

The most pressing immediate needs have been met, such as the construction of the Kaimuki reservoir, the addition of 5.12 miles of pipe line, the supplying of Manoa and Alewa Heights with sufficient and pure water, and the boring of two artesian wells and installation of the high lift pump, thereby providing for emergencies and affording relief for the Bere-tania Street pump for much needed repairs. All this has been done without increasing the water rates, although these rates are lower than in almost any other city in the world and only a small fraction of the rates in many cities on the mainland, and although, owing to the spaciousness of residence lots, there is an unusually large consumption per capita and an unusually small number of consumers in comparison with the length of pipe line. The consumption has been reduced by the discovery and prevention of waste.

Out of former appropriations from the loan fund the Nuuanu dam and reservoir have been completed and are already paying a fair rate of interest upon their cost.

The water works naturally have been of long and gradual growth, its different parts having been constructed from time to time according to the needs for the time being; hence, much of the system is unsuited to present conditions. The city is now growing in population and expanding in area more rapidly than ever before; hence, there is need of considerable development in the system. Much of the pipe line is too old to bear much pressure, and in some cases the same line varies greatly in diameter in different sections, thus producing undue friction for the pumps. New lines are needed for growing suburbs and the new Nuuanu reservoir should be utilized to greater extent by using its water to generate electricity with which to operate the pumps which lift from artesian wells. For purposes of economy, protection from fire, reduction of insurance rates, and to meet the needs of a growing city, a large sum, to be obtained by the issuance of bonds, should be provided by the present Legislature, such bonds to be added to those to be paid, principal and interest, out of the revenues

of the works. This can be done without increasing the rates and may result in a reduction of rates, besides the advantage of a more dependable water supply for direct use and for protection from fire.

**Kula Pipe Line.** This line has been completed at a cost of about \$100,000, the amount appropriated out of loan funds. Owing to a fall in price, a pipe was laid of several times the capacity originally planned.

**Artesian Wells.** The Department of Public Works, besides conducting a topographic and hydrographic survey, referred to more fully under the heading "Conservation," has had extensive data prepared and a careful investigation made of artesian wells, especially on the island of Oahu. It is evident from the information obtained that all possible precaution should be taken to prevent waste of artesian water in order to avoid serious diminution in the supply. The present law upon this subject should be amended so as to make it more effective and particularly by defining what is waste.

#### PUBLIC LANDS.

**Changes in Land Laws.** The enactment last May of amendments to the Organic Act mark the beginning of a new era in public land matters in this Territory. Those amendments provide for greater simplicity in the administration of the land laws and greater certainty as to their meaning; they provide for settling numerous titles to church sites, and for granting preferential rights for the purchase of residence lots by those who have lived on them and improved them; they impose further restrictions on the leasing, exchanging and selling of public lands for other than homestead purposes; most important of all, however, they facilitate the homesteading of public lands with bona fide homesteaders. A drawing, covering 1,026 lots, has already taken place and preparations are being made for another, which will cover numerous new lots as well as old ones. Provision was made in the amendments for meeting, out of the proceeds of the public lands, the expenses of the large amount of surveying that will be required.

**Homestead Roads.** The act providing for the construction of homestead roads out of the proceeds of sales for homestead purposes, should be amended so as to obviate the necessity and inconvenience of setting aside such proceeds as special funds; also so as to increase the amount available for such purposes by including interest on deferred payments and rents under right of purchase leases; in other words, so as to permit the use of all money properly arising from homestead agreements for the construction of homestead roads, for, at best, the amount will probably be small enough; and also so as to pro-

vide somewhat similarly for roads for tracts of land opened for residence or business purposes as distinguished from homestead purposes, as, for instance, by permitting so much of the proceeds as may be necessary from the sales of lots on the slopes of Punchbowl to be used for the construction of roads made necessary by laying out that tract into lots and blocks. Needs of this kind arise at almost any time and cannot be long foreseen for the purpose of making appropriations for them; it is often practically useless to open tracts for homestead or residence or business purposes without constructing the necessary roads; and it is appropriate that tracts so opened should, in a sense, pay their own expense.

**Purchases of Land for Public Purposes.** Formerly private property required for public purposes was usually acquired by exchange. The method was changed two years ago by providing that such property, instead of being so acquired, could be acquired by selling property that might otherwise be given in exchange and using the proceeds in purchasing the property required. This provision is now inadequate because of the limited cases in which exchanges can now be made under the amendments to the Organic Act. The act should therefore be amended so that the proceeds may be available for this purpose whether the land could have been exchanged or not. Even this will yield too little because of the further limitations placed by the amendments upon the cases in which such sales can be made.

**Aid to Homesteaders.** The Commission on advances to homesteaders has prepared a report which will be submitted to you. Owing to constitutional obstacles to the loaning of public money to homesteaders, the Commission recommends that the same object be accomplished in part by improving homesteads by the construction of buildings, fences and water pipes and tanks before the land is sold, charging for the improvements by increasing the price of the land. The compulsory expenditure of public money in this way under present conditions would seem to be open to serious objections. There can be no assurance that the lots will be taken after the improvements are made; nor can it be known who will take them or, therefore, what kind of a house will be desired or in what location; even if the lots should be taken, and that, too, by persons to whom the houses were satisfactory in kind and location, there would be no certainty as to what might become of them afterwards, and, if, as often has been the case, the lots should be abandoned, there would be no assurance that they would be taken again. If any provision of this kind is deemed desirable, its execution should be most carefully guarded or should be left optional with the executive officers. Any such project would require a large amount of money and there is

little, if any, available for such purpose. Moreover, it is a question whether aid of that kind would not be of demoralizing nature by cultivating the idea of getting something for nothing and encouraging dependence upon the government rather than self-reliance. Homesteaders should be helped to help themselves. The government may well assist in ways beyond individual effort, as, by the construction of roads, the reclamation of lands by extensive irrigation or drainage works, the acquisition and imparting of scientific knowledge and in other ways, but the financing of private individuals on uncertain or perishable security or in ways involving personal relations and tastes, should, as a rule, be left to private agencies.

**Reclamation of Arid lands.** The prosperity of Hawaii depends chiefly upon the sugar lands; half of these, producing two-thirds of the crop, are arid lands reclaimed by private enterprise under fee-simple titles or long leases. There is perhaps an equal additional area of arid land that can be reclaimed by available water, but the greater portion of it, being public land, cannot now be sold in large areas or leased for long terms. Consequently either the Territory must reclaim them or else provision must be made by Congress for selling them or leasing them for long terms, and, of course, leases would be preferable to sales, for the latter would prevent homesteading. Lands thus leased would have to be subject to homesteading, whether reclaimed by the Territory or by private interests. It would be both necessary and just that the homesteaders should be obliged to pay for their proportion of the water, whether used or not, as is the case with reclaimed lands on the mainland; for they would obtain correspondingly increased values, and otherwise the necessarily large expenditures for reclamation would not be justified. I suggest the advisability of an expression of opinion by the Legislature in the form of a resolution upon this subject. Such Congressional action could be in the form of a general law applicable to all cases or a special law for each project.

#### IMMIGRATION.

**Special Income Tax.** One of the most important economic steps ever taken for the permanent welfare of these islands was that of two years ago for the present increase of their labor supply and ultimate increase of their citizen population and the conservation and development of their natural resources, by means of a special income tax, three-fourths of the proceeds of which are devoted to immigration and one-fourth to conservation and development purposes.

With the funds thus furnished the Board of Immigration has introduced 868 Portuguese and 1,790 Russians, and is now ar-

ranging for the introduction of more Portuguese and Spaniards. The location of these islands is such that it is both difficult and expensive to obtain persons eligible to citizenship in sufficient numbers, but the necessity of it can scarcely be overestimated. Unless earnest efforts are continued in this direction, either the Territory must remain underpopulated and consequently be retarded in its progress, or else it must have its population increased mainly by less desirable immigrants, to its social and moral detriment. The law providing for the special income tax expires by its own terms at the end of the present calendar year. It should without question be extended.

**Department of Immigration, Labor and Statistics.** At the same time the law creating the Board of Immigration and defining its powers and duties, should be amended to meet new conditions. Past experience has shown the necessity of new methods of conducting immigration and securing its desired results, and the Board has already made important moves in these directions. Greater care must be exercised in the selection of immigrants in their home countries with a view to obtaining only those who are sound, physically and morally, and for the most part those who are agriculturists. Methods should be found, if possible, for bringing them here in smaller and steadier streams, and so that they may come upon their own resources as far as possible. What is of even greater importance, more attention should be paid to them after their arrival, with a view to keeping them here by making the conditions of their residence and employment satisfactory to them. The powers of the Board may well be added to, not alone for these purposes directly but for ancillary purposes, such as assisting in the homesteading of lands, both public and private, with immigrants and residents, investigating labor conditions and devising methods of improving them, gathering and disseminating information and generally promoting the interests of laborers and producers on a small scale. In brief, the Board of Immigration may well be made a "Department of Immigration, Labor and Statistics" and thus serve many needs. Its work is not for the main industry alone but for all industries and for the general welfare of the Territory.

**Marketing Facilities.** Much consideration has been given, not only by the Truck-farm Commission, the report of which I commend to your attention, but also by the Board of Immigration, the Department of Public Lands and the Federal Experiment Station, to the problems of marketing difficulties, which covers a wide range of matters, such as the establishing of a central and branch agencies, the bringing of producer and distributor or consumer into touch with each other, arranging for suitable transportation facilities and rates, instruction in

market requirements as to kind and quantity of products and in methods of standardizing, packing and shipping, and so forth. The time seems to have come when work in that direction should be undertaken. It is suggested that this might be initiated under the direction of the Board of Immigration as one of the appropriate methods by which that Board can carry out the larger powers and duties outlined above, and provision might be made for that in the proposed act above referred to.

### CONSERVATION.

**General.** The one-fourth of the special income tax, which has been devoted to the conservation and development of natural resources, has been utilized by providing for all the expenditures of the Board of Agriculture and Forestry, with its three divisions of forestry, entomology, and animal industry, aiding the Federal Experiment Station, the hydrographic and topographic surveys, the establishment of a dairy, poultry and swine experiment station (for which, see heading "College of Hawaii"), and the planting and fencing of the Pupukea-Paumalu Forest and Water Reserves. Work in these directions is of such a fundamental and wide-reaching nature that it should be not only continued but extended as much as possible. This is the kind of work that tells most for the growth and prosperity of the country. For the sake of this, as well as of immigration, the special income tax law should be continued in operation.

**Agriculture and Forestry.** Owing to the shortage of general funds and the large amount expected to be realized from the special income tax two years ago, it was provided that the entire expense of the Board of Agriculture and Forestry should be paid out of the proceeds of that tax. Now, the general funds are much larger and the special income tax will in the near future yield a much smaller amount, owing to the fall in the price of sugar. The work of the Board at present is largely plant and animal police work and much of it, however necessary, is merely governmental machinery; and, while it has been possible with the available funds to do considerable work that might be considered more in the nature of advance work as distinguished from that of the mere machinery of government, it will probably be impossible to do much in this direction during the coming biennial period unless the expenses of the routine work are transferred back to the general funds. I recommend that this be done. There is much real conservation and development work that ought to be done.

It is a serious question whether the President and Executive Officer of the Board should not be made a salaried official.

In prosecuting its various lines of work the Board has received considerable financial aid and other assistance from the Federal Government and private individuals. Among other things, arrangements have been made for private contributions to the extent of nearly \$30,000 for acquiring title to land to complete the Kohala Forest Reserve and to re-forest a part of it upon condition that the Territory shall contribute \$20,000 for these purposes. That is one of the most important water sources in the Territory.

**Hydrographic and Topographic Surveys.** A Topographic survey is immediately expensive but when completed is done for all time, while a hydrographic survey is less expensive but must be extended over a period of years in order to yield required results. The topographic survey of the island of Kauai has already been completed and the maps will be soon finished. That survey has now been begun on the island of Hawaii. The hydrographic survey has been begun on the islands of Kauai, Maui and Hawaii. Under the recent amendments of the Organic Act, which made Federal funds available for these purposes, arrangements have been made for allotments to this Territory out of Federal funds of \$5,000 for each of these surveys during this year and doubtless similar arrangements can be made for each succeeding year for some time to come. These arrangements include also the use of Federal experts to carry on these surveys. These surveys are of a basic nature and are preliminary to the development of the water and land resources of the Territory. They have been begun none too soon and should be prosecuted energetically until they are completed. Their expense, while considerable, is small in comparison with the large developments which they make possible and facilitate. Looking at the matter from a purely governmental financial standpoint, the best way to increase the public revenues is to increase taxable values through the development of the Territory. It is better to increase property values than the rate of taxation.

**Federal Experiment Station.** This station is doing much valuable work, especially for the minor industries, some of which bid fair to become major industries in time, and has now undertaken, with the aid it receives from the conservation fund to establish experimental and demonstration farms in various homestead centers on the different islands, with a view to meeting a number of the greatest difficulties with which settlers have to contend and bringing scientific results home to the people in practical ways. This is a most important move because of the great variety of soils and climates in these islands, and the methods, comparatively strange to most people, that must be employed to insure success.



## ATTORNEY GENERAL'S DEPARTMENT.

**General.** The function of the Department is largely that of assistance to other departments. Its work is mostly advisory and the drafting of documents, and yet it has conducted much court work during the biennial period, notwithstanding the transfer of most of the criminal work to the county attorneys. It has appeared in 32 cases in the Supreme Court, 275 in the Circuit Courts, 450 in the District Courts, and 16 in the United States District Court. Of these cases 111 were for inheritance taxes, resulting in the collection of \$165,689.35. During this period a special effort has been made to "Clean up," and much of the brunt of this work has naturally fallen on the Attorney General's Department. It has included the recovery of lands, the settling of land titles, and the collection of back rents, taxes, water and sewer rates and other governmental claims. As a result of numerous suits, such claims have been collected to the extent of \$72,626.62. This has been accomplished and probably can be kept up by the present office force, although it was reduced at the beginning of the period by one deputy. The importance of this Department indirectly as a revenue producer and directly as a balance-wheel to the other Departments is not always fully appreciated.

**Appeals in Criminal Cases.** It is highly important, both for uniformity of decisions in criminal law in the several circuits and for the protection of the public, that appeals be allowed to be taken to the Supreme Court on points of law by the prosecution as well as by defendants at certain preliminary stages in criminal cases, and, accordingly I recommend that a law be enacted for this purpose similar to that enacted by Congress several years ago for criminal cases in the Federal Courts.

**Indeterminate imprisonment.** A decided step in advance in methods of punishment was made by the last Legislature when it provided for indeterminate sentences. This law, however, entails a large amount of work upon the officer or board which has to pass upon questions of paroles and discharges—more work, indeed, than can be expected of an unpaid Board of Prison Inspectors, upon which such work now devolves. Accordingly, I suggest that the law be amended so as to cast this burden on the Warden of the prison, acting with the concurrence of the Attorney General. In matters of this kind any officer of the board must necessarily act largely upon the report of the Warden, and the Governor ordinarily refers such matters to the Attorney General before acting on recommendations for parole or discharge.

Incidentally, the law should be amended so as to remove an ambiguity as to the cases in which indeterminate sentences shall be pronounced, by excepting cases in which sentences



shall be suspended instead of cases in which they may be suspended.

The provision that trial judges and prosecuting officers shall furnish certain information to the boards of prison inspectors may as well be repealed, as it is impracticable and has been inoperative.

**Territorial Prison.** All jails were transferred to the counties two years ago, leaving to the Territory only the Territorial penitentiary known as Oahu Prison. The appropriation for the maintenance of this prison has been exhausted, owing to an underestimate of the amount that would be required for this purpose when the Honolulu jail was separated from this prison. A careful analysis shows that the cost per day per prisoner has increased only a few cents in spite of advancing prices and the fact that the number of prisoners was reduced by the separation of the jail. The cost of maintaining the prison and the jail separately must necessarily be greater than that of maintaining them together, and the increase in cost per prisoner is naturally greater for the jail than for the prison because of the smaller number of prisoners. The cost per prisoner per day at the prison is less than 50 cents, or about half what it is in some of the prisons on the mainland containing about the same number of prisoners. The average number of prisoners has been 219 per day during the last two years. The receipts for support of Federal prisoners were \$14,328.00. Special attention has been given to sanitation and the prisoners have been kept employed as far as possible, largely out of doors on roads, parks, sewer works and forestry work, as well as in the manufacture of hats, clothes and shoes and the performance of other services at the prison.

The main building was constructed in 1857 and not only is not fire-proof, but the arrangement is such that each cell must be locked separately, thus making the danger of fire very great. Accommodations also are so inadequate that often two or three prisoners have to be put in one cell. There is urgent need of an adequate appropriation for new buildings. These might well be constructed in large part by the prisoners themselves. It is also a serious question whether advantage should not be taken of the opportunity when new buildings are constructed to change the location.

#### THE COURTS.

**General.** The Territorial courts are practically up to date in their work. Civil cases have decreased and criminal cases increased in number. Congress has provided for an additional Federal Judge, increased the salaries of the Federal and Supreme and Circuit Court Judges, added to the disqualifications

of judges that of having been of counsel, authorized the Legislature to add other causes of disqualification, and ratified the numerous naturalizations made by Circuit Courts when their jurisdiction was doubtful.

**Judiciary Building.** This was constructed nearly forty years ago and has not since been thoroughly overhauled. It is a good building architecturally and its walls are of superior construction, but its interior and roof should be entirely reconstructed for better economy of space, protection from fire and rain and presentable appearance. Appropriations have twice been made for this purpose but not expended owing to insufficiency of funds. There are now sufficient funds. An adequate appropriation for this object is absolutely necessary. To the reasons that have existed previously there is now the additional reason that the building has become positively unsafe, and that, unless it is made over inside, its second floor will have to be abandoned and offices rented for the accommodation of the courts. I strongly urge that an appropriation be made for this at once, so that the plans and specifications may be completed and tenders called for without delay, and the work of construction begun early in the summer, when the courts will be least inconvenienced. The appropriation is so urgent that it should be made immediately and should not be allowed to wait for the enactment of a more general appropriation bill. The building is a large one; it is one of the most important of the Territorial public buildings; it should be both worthy of its place and purposes in appearance and thoroughly fire-proof and well constructed for the safety of its valuable records and for endurance and economy of maintenance; this will require a large appropriation. Appropriations should be made at the same time for furnishing the new building and for providing quarters for the courts and executive occupants during the reconstruction work.

**Clerk's Office.** The clerks' offices of the Supreme and First Circuit Courts should be separated for purposes of economy, simplicity of organization and businesslike methods. This will require changes in the law relating to court clerks and in the appropriation bill.

**Juvenile Courts.** Most gratifying advances have been made in the law relating to delinquent and dependent children by the last three Legislatures. Further advances may yet be made. Parental responsibilities should be increased and the juvenile courts given jurisdiction to enforce the laws upon this subject.

The work of the juvenile court in the First Circuit has developed to such an extent that at least one of the probation officers should be a paid officer who should give all of his time to the work.

It has thus far been found possible by the judges of the juvenile courts to arrange for the care of dependent children in private homes and private institutions. It is both more economical and better for the children that they should be cared for in this way than in public institutions. As the work has grown, however, there has been found an increasing need of a small fund to pay for the support of such children in certain cases, and it may be well to make small appropriations for that purpose for the First, Second, and Fourth Circuits. The advisability of that, however, is not altogether clear, for it might tend to make ease and profit too influential in the matter of taking or placing children.

**Terms of Circuit Courts.** The term of the Second Circuit Court at Lahaina is an unnecessary expense and inconvenience to the court, to parties, to jurors and to witnesses. All terms should be held at the county seat, where there is now a splendid new court house, with clerks' offices, the library and other conveniences, and where there is ampler accommodation for persons attending court and where most persons attending court either live or must necessarily pass in order to attend at Lahaina.

I recommend that the terms in the Fourth Circuit be placed on the same basis as those in the First Circuit; that is instead of there being several terms a year, each extending by law until the next term begins unless sooner adjourned, there should be one term each year extending until the next term begins, that term to be held, of course, at the county seat. This incidentally involves the abolition of the term at Honokaa, which ought to be abolished in any event for much the same reasons as that at Lahaina.

**Juries and Jurors' Fees.** The present law for the selection of jurors is cumbrous, expensive, inconvenient to all persons concerned, and unsatisfactory in its results. It should be replaced by a simpler and less expensive law.

Jurors' fees, except in certain cases, should be taxed to the parties, as is done in most other jurisdictions.

**Court Forms.** It has been customary for the Supreme Court to print forms for use in all courts and distribute them free of charge. I suggest that the Supreme Court be authorized to prescribe forms which may be used in the various courts and that the printing and sale of the forms be left to private enterprises, as is done in most other jurisdictions, or else that, if the forms are printed at public expense, they be sold for enough to cover their cost.

**Circuit Court Receipts and Expenses.** The last Legislature transferred to the counties the fines, costs and forfeited bail moneys of the District Courts, and likewise the payment of salaries of such courts, except the District Court of Kalawao.

I recommend that similar action be taken in regard to the Circuit Courts, which are practically county courts, and that payment of the expenses as well as the salaries of the Circuit and District Courts be likewise transferred to the counties.

#### LIQUOR LAWS.

The voters declared against prohibition at a special election last July. The present high-license law is generally conceded to be the best ever enacted anywhere. It may be improved in several respects but it may not be best to attempt this now. What is most needed now is sufficient means for its vigorous enforcement. The appropriation for this purpose was reduced two years ago far below the danger point. The appropriation for the coming period should be very materially increased.

#### COLLEGE OF HAWAII.

The total area as originally planned for the permanent site of this college, comprising 86.38 acres, valued at over \$100,000 has been secured, in one block favorably located in the suburbs of Honolulu and bounded on one side by a stream, which will be valuable for various purposes. The engineering laboratory has been completed and equipped. An observatory has been constructed and a telescope mounted. A department of dairy, poultry and swine husbandry has been established for scientific experimentation and demonstration in these industrial lines, which hitherto have not been included among the numerous activities of the scientific branches of the Territorial and Federal Governments in these islands. The college has made gratifying progress also in the growth of its faculty, in the number of its students and in the extension of its educational work, especially in view of the short period of its existence and in comparison with the growth of similar institutions elsewhere.

It is time that a beginning be made, on a moderate scale, in its construction of its permanent buildings on its permanent site. The appropriation for its maintenance should be increased. The act creating it should be amended in several minor respects: first, so as to avoid the confusion of names, it now having two names, the "College of Hawaii" and the "College of Agriculture and Mechanic Arts;" secondly, so as to make effective the intent, now insufficiently expressed, in regard to the appointment and tenure of its regents; and, thirdly, so as to put its finances on a more satisfactory and businesslike basis, by requiring, what is done now though not contemplated by the statute, that appropriation shall be expended, as in other cases, upon warrants issued by the Au-

ditor on specific vouchers, instead of in lump sums to the regents; by providing that moneys other than Federal received by the college be paid into the Territorial treasury and thus accounted for, although to be paid out for the use of the college; and by requiring fuller statements of receipts and expenditures.

#### LIBRARY OF HAWAII.

A site for this library, namely, the present site of the Puhukaina School, in the civic center of Honolulu, has been selected, and another and more suitably located site obtained for the school. Mr. Andrew Carnegie has undertaken to give \$100,000 for the building. Agreements have been made by which the library of the Honolulu Library and Reading Rooms Association, containing about 17,000 volumes, and the valuable library of the Hawaiian Historical Society, containing about 1,700 volumes and 2,700 pamphlets, will be incorporated in the territorial library, and which, also, the income of the Honolulu Library and Reading Rooms Association, which will probably amount to \$5,000 or more a year, will be applied towards its maintenance. The plans of the building are well under way and it is hoped that construction can be begun at an early date. Inasmuch as the building will not be completed until well along in the next fiscal year, it will be sufficient to appropriate for not more than one year and a half's maintenance, under the legal requirement, at the rate of \$10,000 a year.

#### PARKS.

**Kapiolani and Kaiulani Parks.** Kapiolani Park is in the nature partly of a territorial and partly of a city and county park. It is under the management of the Honolulu Park Commission, a territorial body, and perhaps must remain so, and work upon it is done largely by territorial prisoners, but its financial maintenance rests mainly on the City and County of Honolulu. Such financial aid is not sufficient for permanent improvements. It would perhaps be a fair division for the Territory to provide for permanent improvements and the City and County for maintenance, and accordingly I recommend that provision be made by the Legislature for such improvements.

Mr. W. G. Irwin has generously conveyed to the Park Commission an area of about twelve and a half acres to widen the narrow end of the park, upon condition that it be added to the park.

The late Governor A. S. Cleghorn fittingly closed his more than half century of active interest in such matters in these islands by devising to trustees in trust to convey to the Ter-

ritory his premises known as Ainahau, containing about twenty-three acres, famed as a tropical garden and the home of the Princess Kaiulani, on condition that it be kept as a public tropical park to be known as "Kaiulani Park," and not be open to visitors between sunset and sunrise.

Both of these gifts are subject to legislative acceptance. I suggest that if the Kaiulani Park is accepted it be placed under the control of the Honolulu Park Commission.

Partly in anticipation of Governor Cleghorn's contemplated gift, the Territory instituted legal proceedings against private claimants which resulted in the opening of an extension of the road from Ainahau on the opposite side of Kalakaua Avenue to the beach.

As a result of other legal proceedings the Territory has recovered a piece of land between Kapiolani Park and the proposed Kaiulani Park in the rear. It is suggested that a portion of this and additional land if it can be acquired be included in these parks so as to connect them.

**Kilauea National Park.** The proposed creation of this park to include the world's two greatest active volcanoes, Kilauea and Mokuaweoweo, a strip between the two for a connecting road, and sufficient adjoining areas to include numerous other natural wonders, such as pit crater, sulphur banks, lava trees, lava tree-moulds, tree-fern forests, forests of large and rare trees and haunts of rare Hawaiian birds, has been under public discussion for several years. The time seems ripe for pushing this project. Surveys have been made defining the boundaries and a bill has been prepared for presentation to Congress for this purpose. The matter of boundaries has been given careful consideration from the standpoint of both public and private interests. It would seem to be a serious mistake to reduce the area so as to exclude many objects of great interest. The land included is of little value for other purposes and first consideration should be given to the public interests. The creation of the park is a matter not merely of local but of national and worldwide importance. Among the advantages of creating it are the presentation of these objects of interest, the construction of roads which will make them accessible to the public, and the wide attention that will be called to them. I suggest an expression of opinion by the Legislature in the form of a resolution upon the desirability of creating such a park.

#### NATIONAL GUARD.

**General.** The strength and efficiency of this has been increased by the enlargement and instruction, the latter having been given in part by officers detailed by the War Department. The office of Adjutant-General has been made a salaried

one, and increased provision has been made for the maintenance of the Guard. The local team has made good records in the national shooting matches on the mainland. A military hospital was maintained for a month last year to guard and care for a large number of immigrants who were in quarantine for diphtheria. With the aid of the United States Census Officers, a military census of the Territory has been taken, which will be valuable for other as well as for military purposes.

**Armories.** The prime need of this organization is a regimental armory at Honolulu for safeguarding its valuable equipment as well as for accommodations for the Guard. The requisite interest and enthusiasm for the highest efficiency cannot be expected with the present deficient housing. The only available site at present seems to be the "Barracks Lot," but there is no immediate prospect that that will be restored to the Territory by the Federal Government. I recommend an appropriation for an armory to be constructed in case a suitable site shall become available.

A company armory is needed at Lahaina, and a concrete room for storage of equipment at that place and at Wailuku and Hilo.

#### PANAMA EXPOSITION.

The Territory is to be felicitated upon the selection of San Francisco as the site of this exposition. Although the exposition is four years off, it is not too soon to begin to plan for it. There never has been, and perhaps never will be, an exposition of greater importance to Hawaii. This Territory made a splendid showing at the recent Alaska-Yukon-Pacific Exposition under appropriations made by the last Legislature and by Congress, and should make a far better showing at the Panama Exposition. It is hoped that Congress will contribute a building for Hawaii's purposes for this exposition, as it did for the other, and the next Territorial Legislature may be expected to provide adequate funds for the exhibits. The present Legislature, however, should provide for a commission and its expenses to make the preliminary plans.

#### VISIT OF CONGRESSMEN.

The two visits already made at the invitation and expense of the Territory by many members of Congress have proved so advantageous as to call for another such visit in the near future. The numerous changes about to occur in the membership of Congress furnish an additional reason for providing for such a visit at this time. The frankest and most effective way to secure appropriate action by Congress for local



interests is to have members of Congress come and see for themselves. An appropriation of the same amount as the last one is recommended, to include other distinguished persons as well as members of Congress. This should be made at once if a visit is desired this year, so that the necessary arrangements may be well under way before the close of this, the short, session of Congress.

#### COMMISSION ON UNIFORMITY OF LEGISLATION.

The increasing need of uniformity in state and territorial legislation upon certain subjects is receiving more and more attention on the mainland. There is a National conference of Commissioners on Uniform State Laws which meets each year. The American Bar Association at its annual meetings considers the recommendations of such Conference and the various state and territorial commissions act similarly for their states and territories. At the request of the officers of the National Conference such a commission has been appointed here by the Governor, but it would be better if this should be done under the legislative authority so as to give the commission a legal status. The Commissioners serve without pay.

#### REAPPORTIONMENT.

I call your attention to the provision in Section 55 of the Organic Act that, "the Legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the Senate and House of Representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory." The census was taken last year, but the tabulation showing the number of citizens in each senatorial and representative districts have not been completed. They may be completed before the expiration of the session.

#### CONCLUSION.

It is impossible to review in a message of this character the work accomplished during the biennial period or to refer to all the subjects upon which there should be legislation. I commend to your attention the reports of the several department heads and suggest that the Legislature, its committees or members visit the various territorial institutions in order to become acquainted at first hand with their work and their needs.

Legislative sessions have been held regularly in Hawaii for



more than three score years and ten. The record is one in which the people of these islands may well take pride. As a rule, the legislation has been conservatively progressive. A disposition has been manifested to act in a businesslike way upon ascertained conditions and needs. There has been little tendency towards speculation or fads, but at the same time there has been enlightened courage to adopt the latest if it was manifestly the best, and not merely because it was the latest. In general it has been realized that the record of a legislature is judged by the quality and not by the quantity of its work.

The last few legislatures have made exceptionally good records, each perhaps improving on its predecessors, as ought to be the case. Seldom have the legislatures been confronted with so many important problems as now, but seldom have they met under more auspicious conditions or with brighter prospects of proving equal to the situation. May these prospects be realized.

WALTER F. FREAR,  
Governor of Hawaii.

#### APPENDIX.

#### Territorial Receipts and Disbursements, Fiscal Year Ended June 30, 1910.

##### RECEIPTS.

##### Taxes:

Real property .....	\$709,943.35	
Personal property .....	720,252.68	
Specific property (automobiles, car- riages, dogs, etc.) .....	46,554.50	
Insurance .....	20,141.87	
Income, general .....	435,994.55	
Income, special .....	377,694.27	
Inheritance .....	150,153.11	
Personal (poll, school, road) .....	248,663.00	
Penalties and costs .....	17,252.71	\$2,726,650.04

Liquor licenses .....	\$	92,205.83
Documentary stamps .....		58,387.50
Land sales .....		112,589.18
Land revenues (rents, etc.) .....		264,933.01
Honolulu water and sewer revenues .....		184,277.14
Harbor, wharf, and pilot revenues .....		74,836.54
Recording fees .....		16,097.75
Fines and costs .....		13,214.29

Support of United States Prisoners .....	8,334.00
Interest on bank deposits .....	9,368.91
Miscellaneous . . . . .	80,351.16
<hr/>	
Total receipts .....	\$3,641,245.35
Cash balance July 1, 1910 .....	453,106.76
<hr/>	
Total . . . . .	4,094,352.11
Transferred from special accounts .....	39,701.72
<hr/>	
Total . . . . .	\$4,134,053.83

## DISBURSEMENTS.

Outstanding warrants June 30, 1909.....	\$ 170,718.67
Expenses for fiscal year 1909-10:	
Legislature . . . . .	\$ 15,180.33
Governor's and Secretary's of-	
fices . . . . .	6,356.18
National Guard .....	9,651.11
Alaska-Yukon-Pacific Exposition ..	12,533.85
Expenses of distinguished visitors..	15,541.06
Pensions . . . . .	8,500.00
Auditing department .....	10,207.23
Treasury Department .....	15,074.65
Tax Bureau .....	67,343.01
Public Instruction Department ....	434,425.12
College of Agriculture and Me-	
chanic Arts .....	8,820.99
Public Works Department .....	115,283.64
Public Lands Department .....	14,161.08
Survey Department .....	14,036.49
Public Health Department .....	325,555.92
Judiciary Department .....	82,395.48
Attorney General's Department ...	15,739.84
Prisons . . . . .	49,172.11
Record bureau .....	15,208.19
Miscellaneous . . . . .	12,403.24
<hr/>	
	\$ 1,247,587.52
Interest on public debt .....	\$ 163,642.50
Transferred to special accounts:	
Immigration and conservation ....	378,570.16
Honolulu water and sewer works ..	184,277.14
Road tax (for counties) .....	140,086.10
Sinking fund .....	57,018.75
Land Purchases .... .	62,749.63
Homesteads roads .....	8,273.10
Homesteader's improvements ....	1,436.25

Registered land assurance .....	630.33	
Industrial school .....	577.88	
Lahainaluna school .....	27.50	\$ 833,646.84
<hr/>		
Paid to counties:		
City and County of Honolulu.....	502,519.56	
County of Hawaii .....	215,459.09	
County of Maui .....	190,316.43	
County of Kauai .....	111,192.26	\$ 1,019,487.34
<hr/>		
Total disbursements .....		3,435,082.87
Current cash balance .....	\$845,218.51	
Less warrants outstanding June 30,		
1910 . . . . .	146,247.55	
<hr/>		
Net current cash balance, June		
30, 1910 .....		\$ 698,970.96
<hr/>		
		\$ 4,134,053.83

**Territorial Receipts and Disbursements.**  
**Half Year ended December 31, 1910.**

**RECEIPTS.**

<b>Taxes:</b>		
Real property .....	\$370,277.85	
Personal property .....	362,869.89	
Specific property (automobiles, car-		
riages, dogs, etc.) .....	1,012.40	
Insurance .....	1,822.54	
Income, general .....	198,085.78	
Income, special .....	181,491.10	
Inheritance . . . . .	3,113.89	
Personal (poll, school, road).....	17,064.00	
Penalties and costs .....	9,132.96	\$ 1,144,870.41
<hr/>		
Liquor licenses .....		41,485.04
Documentary stamps .....		15,266.50
Land sales .....		27,022.29
Land revenues (rents, etc.) .....		142,762.99
Honolulu water and sewer revenues .....		85,016.25
Harbor, wharf and pilot revenues .....		39,024.12
Recording fees .....		7,470.75
Fines and costs .....		9,646.17
Support of United States prisoners .....		3,599.50
Interest on bank deposits .....		8,740.17
County of Maui .....		5,182.50

Miscellaneous . . . . .	42,109.76
<hr/>	
Total receipts . . . . .	\$ 1,572,196.45
Cash balance July 1, 1910 . . . . .	845,218.51
<hr/>	
Total . . . . .	\$ 2,417,414.96
Transferred from special accounts . . . . .	20,418.10
<hr/>	
Total . . . . .	\$ 2,437,833.06

## DISBURSEMENTS.

Outstanding warrants June 30, 1910 . . . . .	\$ 146,247.55
Expenses for six months to Dec. 31, 1910:	
Governor's and secretary's offices..	\$ 16842.32
National guard . . . . .	4,787.09
Alaskan-Yukon-Pacific Exposition..	36.95
Expenses of distinguished visitors	746.25
Pensions . . . . .	4,250.00
Auditing department . . . . .	4,973.17
Treasury department . . . . .	9,943.89
Tax bureau . . . . .	30,150.22
Public instruction department....	220,037.95
College of agriculture and me- chanic arts . . . . .	2,973.55
Public works department . . . . .	53,768.30
Public lands department . . . . .	7,475.63
Survey department, . . . . .	7,130.80
Public health department . . . . .	187,333.45
Judiciary department . . . . .	38,488.42
Attorney General's department.....	7,068.26
Prisons . . . . .	25,487.35
Record bureau . . . . .	7,347.70
Miscellaneous . . . . .	2,581.21
<hr/>	
Interest on public debt . . . . .	82,010.00
Transferred to special accounts:	
Immigration and conservation....	\$182,159.25
Honolulu water and sewer works..	85,016.25
Road tax (for counties) . . . . .	10,008.00
Sinking Fund . . . . .	34,964.79
Land purchases . . . . .	10,047.25
Homestead roads . . . . .	7,804.30
Homesteader's improvements ....	80.00
Registered land assurance . . . . .	91.35
Industrial school . . . . .	617.10
Lahainaluna school . . . . .	49.55
Surveying and opening homesteads (Act of Congress) . . . . .	20,000.00
<hr/>	
	\$ 350,837.84

## Paid to counties:

City and County of Honolulu .....	\$239,300.59	
County of Hawaii .....	92,681.82	
County of Maui .....	92,292.86	
County of Kauai .....	49,762.17	\$ 474,217.44
		<hr/>
Total disbursements .....	\$ 1,684,735.34	
Current cash balance .....	\$900,450.46	
Less warrants outstanding, Dec.		
31, 1910 .....	\$147,352.74	753,097.72
		<hr/>
Net current cash balance, Dec.		
31, 1910 .....		\$ 753,097.72
		<hr/>
		\$ 2,437,833.06

Senator Kaleiopu moved, seconded by Senator Chillingworth that such portions of the Governor's Message which embraced subjects for consideration by the different Committees of the Senate, be referred to such Committees. Whereupon the motion was put and carried.

Senator Robinson introduced Senate Resolution (No. 5) which was read by the Clerk as follows:

## RESOLUTION.

Honolulu, T. H., February 16, 1911.

RESOLVED, that the following amounts be allowed as salaries for the officers of the Senate:

Clerk . . . . .	\$12.00 per diem
Asst. Clerk . . . . .	8.00 "
Sergeant-at-Arms . . . . .	5.00 "
Messenger . . . . .	3.00 "
Janitor . . . . .	3.00 "
Chaplain	\$150.00 in full for the Session of the Senate

WM. T. ROBINSON,  
Senator, 2nd. District.

The Resolution was adopted.

At 11:35 A. M. upon motion of Senator C. Brown, seconded by Senator Robinson, the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

THIRD DAY.

Friday, February 17, 1911.

The Senate met at 10 o'clock A. M. pursuant to adjournment. After prayer by the Chaplain, the Roll was called showing Senator Makekau absent.

The Journal of the Second Day was read and approved.

A Communication from the House of Representatives, (No. 2) was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

In accordance with House Resolution No. 5 which was this day adopted in the House of Representatives of the Territory of Hawaii, I beg to inform your honorable body that all bills from the Senate shall be translated into Hawaiian before the same shall be considered by the House.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

RESOLUTION.

BE IT RESOLVED, by the House of Representatives, session of 1911:

That a message be sent to the Senate informing that honorable body that all bills from the Senate shall be translated into Hawaiian before the same shall be considered by the House.

WM. J. SHELDON,  
Representative, 6th District.

Honolulu, T. H., February 15, 1911.

The communication was received and placed on file, and the Resolution accompanying was referred to the Printing Committee.

A Communication (No. 3) from the House of Representatives was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 16, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:

I have the honor to transmit herewith House Concurrent Resolution No. 1 which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully your,

EDWARD WOODWARD,  
Clerk, House of Representatives.

CONCURRENT RESOLUTION.

BE IT RESOLVED, by the Legislature of the Territory of Hawaii:

That the Secretary of Hawaii be and he is hereby authorized, empowered and directed to have printed in the Hawaiian Language all Acts passed by this Legislature, as soon as may be after the same have become law, and to distribute in book form a copy thereof to each member of the Legislature who shall apply for same, and shall arrange to have the same finished so that the complete work of this Legislature may be published in the Hawaiian language and in book form and with the proper index, with as little delay as possible after the adjournment sine die of the Legislature;

All expenses connected with the performance of the duties hereby imposed upon the Secretary may be charged against and paid by him out of the monies appropriated out of the Public Fund of the Treasury of the Territory of Hawaii, for the defraying of the expenses of the Legislature for the regular session of the year 1911.

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 16, 1911.

We hereby certify that the foregoing Concurrent Resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,  
Speaker, House of Representatives

EDWARD WOODWARD,  
Clerk, House of Representatives.

On Motion by Senator Chillingworth, seconded by Senator Baker, the communication was received and placed on file and the Concurrent Resolution was laid on the Table to be taken up for consideration with Senate Concurrent Resolution on the same subject.

A Communication (No. 5) from the Hilo Board of Trade was read by the Clerk, as follows:

Honolulu, T. H., February 16, 1911.

Hon. E. A. Knudsen,  
President of the Senate,

Dear Sir:—

The Hilo Board of Trade has appointed a Committee on legislation with power to suggest new legislation and suggest amendments to bills introduced at this session of the Legislature. I am acting as attorney for this Committee and hope to do much for the important work they have undertaken. If it is possible I would like to have mailed to me five (5) copies of each of the Senate Bills as presented. These should be sent to me at Hilo.

Trusting that you can arrange this for me, I am,

Very respectfully,

CARL S. SMITH.

The communication was received and placed on file.  
Senator Judd presented the following Resolution (No. 6) which was read by the Clerk:

#### RESOLUTION.

RESOLVED, that the following amount be allowed as Salary for the Clerk of the Judiciary Committee.

Clerk . . . . . \$15.00 per diem

ALBERT F. JUDD,  
Senator, 3rd District.

Senate Chamber,  
February 17, 1911.



On motion by Senator Fairchild, seconded by Senator Robinson, the Resolution was referred to the Judiciary Committee.

At this juncture a Message (No. 3) from the Governor was received.

On motion by Senator Chillingworth, seconded by Senator C. Brown, consideration of the Message was deferred for the time being.

Senator Judd introduced Resolution (No. 7) which was read by the Clerk, as follows:

#### RESOLUTION.

WHEREAS, no question is of greater importance to the people of the Territory than that of Immigration, and

WHEREAS it is desirable that a full investigation be made into this subject, including a careful inquiry into the methods heretofore pursued by the Board of Immigration to the end that proper legislation, if desirable, may be had to effect an improved policy in connection with immigration;

BE IT RESOLVED that a committee of five members of the Senate be appointed by the President of the Senate to fully consider such matters and to recommend such legislation as may seem desirable.

ALBERT F. JUDD,  
Senator, 3rd Senatorial District.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Resolution was adopted.

Senator Judd gave notice of his intention to introduce the following Bills:

"An Act to provide for the publication of the decisions of the United States District Court of Hawaii."

"An Act to authorize the appointment of the Sanitary Commission of Honolulu, and to appropriate money for the expense of such Commission."

Senator Baker presented a Resolution (No. 8) which was read by the Clerk as follows:

#### RESOLUTION.

BE IT RESOLVED, that the head of each Territorial Department and Board be requested to furnish the Senate as soon as may be, with a complete list of the officers and em-

ployees now connected with his Department or Board and their respective salaries and wages.

DAVID K. BAKER,  
Senator, 1st District.

Senate Chamber,  
February 17, 1911.

The Resolution was adopted upon motion by Senator Baker, seconded by Senator C. Brown.

Senator Kaleiopu presented a Resolution (No. 9) which was read by the Clerk, as follows:

#### RESOLUTION.

RESOLVED, that the Sergeant-at-Arms of the Senate be and he is hereby authorized to furnish the members of the Senate with the following newspapers:

Evening Bulletin .....	Daily
Evening Star .....	"
P. C. Advertiser .....	"
Kuokoa, Hawaiian .....	Weekly
Aloha Aina, Hawaiian .....	"
Hilo Tribune .....	"
Hawaii Herald .....	"
Maui News .....	"
Ka Elele, Hawaiian .....	"
The Garden Island .....	"

A. S. KALEIOPU,  
Senator, 3rd District.

The Resolution was adopted upon motion by Senator Kaleiopu, seconded by Senator Pali.

Under suspension of the Rules Senator Brown introduced Senate Bill No. 15, entitled, "An Act to provide for the sale of the property of deceased persons."

Upon motion by Senator C. Brown, seconded by Senator Hewitt, the Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Chillingworth presented Resolution (No. 10) which was read by the Clerk, as follows:

## SENATE JOURNAL.

## RESOLUTION.

RESOLVED, that the Chairmen of all Standing Committees have prepared duplicate copies of all reports to the Senate for the use of the Representatives of the Daily Newspapers, and that copies of all Resolutions be made for the same purpose.

CHARLES F. CHILLINGWORTH,  
Senator, 3rd District.

Senate Chamber,  
February 17, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Kaleiopu, the Resolution was adopted.

Senator Chillingworth presented Resolution (No. 11) which was read by the Clerk, as follows:

## RESOLUTION.

WHEREAS, the public land embraced within the Ahupuaa of Auwailimu, (commonly known as the Punchbowl lands,) in the City of Honolulu is now under lease to the Kapiolani Estate, Limited, as Assignees of Her Late Majesty, Queen Dowager Kapiolani, which lease will expire in and about the year 1912, and is of the value of Twenty Thousand (\$20,000.00) Dollars or thereabouts, and

WHEREAS the Organic Act as amended by Congress makes provision whereby the numerous tenants upon said lands of Auwailimu may obtain fee simple titles to their several holdings upon and after the expiration of said lease, and

WHEREAS, it is desirable to expedite the acquiring of such fee simple holdings by said tenants, and

WHEREAS said Kapiolani Estate, Limited, is willing to surrender its lease upon the payment of its present commercial value,

BE IT RESOLVED that, in order to expedite, and facilitate the project whereby such fee simple titles, can be acquired by said tenants, the sum of Twenty Thousand (\$20,000.00) Dollars be inserted in the Appropriation Bill to be enacted by this Legislature at its present Session for the purpose of extinguishing and procuring the surrender of the lease aforesaid.

CHARLES F. CHILLINGWORTH,  
Senator, 3rd Senatorial District.

February 17, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Resolution was referred to the Committee on Ways and Means.

Senator Robinson gave notice of his intention to introduce the following Bills:

“An Act to amend Section 93 of Chapter 21 of Act 39 of the Session Laws of 1905, entitled, “An Act creating Counties within the Territory of Hawaii, and providing for the Government thereof.”

“An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, Entitled ‘An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.’ ”

Under suspension of the Rules Senator Robinson introduced Senate Bill No. 16, Entitled “An Act to Amend Section 93 of Chapter 21 of Act 39 of the Session Laws of 1905, Entitled ‘An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.’ ”

Upon motion by Senator Robinson, seconded by Senator C. Brown, the Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, Senator Robinson introduced Senate Bill No. 17, entitled “An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, Entitled ‘An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.’ ”

Upon motion by Senator Robinson, seconded by Senator C. Brown, the Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled “An Act to Provide for the Maintenance of Public Schools.”

Under suspension of the Rules Senator Chillingworth introduced Senate Bill No. 18, entitled, “An Act to provide for the maintenance of public schools.”

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Baker gave notice of his intention to introduce the following Bills:

“An Act to provide for a separate Government Physician to each of the Districts of North and South Kona, in the County of Hawaii, and to regulate the pay thereof.”

"An Act to amend Section 1 of Act 98 of the Session Laws of 1907, relating to the pay of laborers engaged in public work."

"An Act to provide for a Hospital in each of the Districts of North and South Kona, Island of Hawaii."

Under suspension of the Rules Senator Baker introduced Senate Bill No. 19, entitled, "An Act to provide for a separate Government Physician to each District of North and South Kona, in the County of Hawaii, and to regulate the pay thereof."

Upon motion by Senator Baker, seconded by Senator Pali, the Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, Senator Baker introduced Senate Bill No. 20, entitled, "An Act to amend Section 1 of Act 93 of the Session Laws of 1907, relating to the pay of laborers engaged in public work."

Upon motion by Senator Baker, seconded by Senator Pali, the Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, Senator Baker introduced Senate Bill No. 21, entitled, "An Act to provide for a Hospital in each of the Districts of North and South Kona, Island of Hawaii."

Upon motion by Senator Baker, seconded by Senator Kalei-  
opu, the Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 1, entitled, "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of the Year 1911."

Upon motion by Senator Kaleiopu, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, C. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Pali, Quinn, Robinson and Mr. President. Total 13.

Noes: None.

Absent: Senator Makekau.

A Communication (No. 4) from the House of Representatives was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 1 which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The communication was received and placed on file.

First Reading of House Bill No. 1 entitled, "An Act to appropriate money for the purpose of defraying the expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the year 1911 from the Public Treasury."

Upon motion by Senator Hewitt, seconded by Senator Kaleiopu, the Bill passed First Reading by Title and was placed on the Special Order of the Day for tomorrow for Second Reading.

At this juncture the President announced the following committee in conformity with Senate Resolution No. 7, re Immigration.

Senators Judd, Makekau, Pali, Fairchild and Kaleiopu.

Consideration of Governor's Message No. 3:

The Clerk read the Message throughout as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber.

Honolulu, February 17, 1911.

To the Legislature:

I submit herewith, in the form of an Appropriation Bill, estimates for appropriations for the next biennial period.

These do not cover permanent improvements, estimates for which will be submitted in a separate message.

It will be noted that while the aggregate considerably exceeds that of the last general appropriation bill, it is still considerably below the estimated available funds. The two largest increases are for public instruction and public health—two services for which, owing to lack of funds, appropriations have for some years been deplorably inadequate and which are of such surpassing importance that they should be adequately provided for now that there are funds. The next largest increase arises from the transfer of certain classes of expenditures for agriculture and forestry from the conservation fund to the general funds, these being for what might be deemed ordinary operating expenses as distinguished from advance work, or work of a more strictly conservation and development nature. These matters are referred to more fully in my first message. Additional increases of importance although much smaller, are for the enforcement of the liquor laws and the maintenance of prisoners. The remaining increases are small and largely off-set by various decreases.

If the changes recommended in my first message in regard to the collection and division of taxes as between the Territory and the Counties should be made, with its natural consequences that the school funds would be provided by the Counties, corresponding changes would be required in the appropriation bill. This would be the case also, if, as similarly recommended, the receipts and expenses of the circuit courts should be transferred to the counties. The proposed changes in the tax and school matters should result in a net increase in county revenues of about a quarter of a million dollars in a biennial period. This would go far towards meeting the necessary increases in expenditures for the public schools.

Notwithstanding the naturally increasing needs of both the Territorial and County Governments, there ought to be, unless some unforeseen misfortune should occur, sufficient funds to meet all purposes without increasing the taxes. Although the rate of the property tax is low, taxes are in reality high, because not only are there income and personal taxes and other sources of revenue, but property is assessed at high valuations. It is far better to increase the revenues by increasing, through the development of the Territory, the amount of property subject to taxation, than to raise the rate of taxation; and, on the other hand, great care should be taken in order that the available money may not be expended unwisely or wastefully. If the recommendations of the first message are carried out, the counties should have revenues which would be larger imme-

diately and that would constantly increase, and expenditures that would be relatively smaller.

WALTER F. FREAR,  
Governor of Hawaii

### AN ACT

#### MAKING APPROPRIATIONS FOR CURRENT EXPENSES FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1913.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums are hereby appropriated for the objects hereinafter expressed, for the biennial period ending June 30, 1913, out of moneys in the treasury received from the general revenues:

#### THE GOVERNOR.

##### Military Department:

Adjutant General (\$200.00) .....	\$ 4,800.00	
Clerk and Assistant (\$75.00) .....	1,800.00	
Janitor and Armorer (\$40.00) .....	960.00	
Expenses . .....	15,000.00	\$ 22,560.00

#### THE SECRETARY.

Clerks, Assistants, Stenographers, Mes-		
sengers (\$425.00) .....	10,200.00	
Expenses, Governor's and Secretary's		
Offices . .....	3,600.00	
Printing, binding, indexing, adver-		
tising . .....	1,200.00	15,000.00

##### Elections:

Expenses of .....	13,000.00	13,000.00
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##### Public Archives:

Librarian (\$150.00) .....	3,600.00	
Expenses, copying, translating, printing,		
binding . .....	4,800.00	8,400.00

##### Library of Hawaii:

Maintenance . .....		15,000.00
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##### Promotion:

Support of .....		6,000.00
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## PERMANENT SETTLEMENTS.

Queen Liliuokalani .....	(\$625.00) ..	15,000.00	
Mrs. Emma Branard .....	(\$16.66 $\frac{2}{3}$ ) ..	400.00	
Mrs. Kamakani Simeona ..	(\$16.66 $\frac{2}{3}$ ) ..	400.00	
Mrs. Mary Stolz .....	(\$16.66 $\frac{2}{3}$ ) ..	400.00	
Mrs. Mahelona .....	(\$16.66 $\frac{2}{3}$ ) ..	400.00	
Mrs. Lilinoe Kea .....	(\$16.66 $\frac{2}{3}$ ) ..	400.00	17,000.00

## ATTORNEY GENERAL'S DEPARTMENT

Attorney General (\$350.00) .....	8,400.00	
Deputy (\$300.00) .....	7,200.00	
Clerk (\$100.00) .....	2,400.00	
Stenographer (\$125.00) .....	3,000.00	
Expenses .	10,000.00	31,000.00

## High Sheriff, Prisons:

High Sheriff, Warden Territorial prison (\$225.00) .....	5,400.00	
Deputy Warden, Territorial Prison (\$125.00) .	3,000.00	
Guards and Lunas of Prisoners, Terri- torial Prison .....	40,000.00	
Expenses, Maintenances of Prisoners..	55,000.00	103,400.00

## AUDITING DEPARTMENT.

Auditor (\$325.00) .....	7,800.00	
Deputy Auditor (\$225.00) .....	5,400.00	
Clerks, (\$250.00) .....	6,000.00	
Expenses .	3,000.00	22,200.00

## TREASURY DEPARTMENT.

Treasurer (\$325.00) .....	7,800.00	
Registrar of Public Accounts (\$225.00)	5,400.00	
Clerks, Stenographers, assistants (\$375.00) .	9,000.00	
<b>Expenses:</b>		
Treasurer's Office .....	\$ 3,600.00	
Insurance law .....	1,200.00	
Official Bonds .....	5,000.00	
Tax books and blanks....	4,000.00	\$ 13,800.00

Interest, Commissions, ex- penses, public debt.....	328,000.00	\$364,000.00
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**Bureau of Taxes:****First Taxation Division,****Oahu:**

Assessor (\$250.00) .....	6,000.00	
Deputy Assessor (\$200.00)	4,800.00	
Deputy Assessors, Col- lectors, Clerks, Inter- preters, Commissions and expenses .....	53,000.00	63,800.00

**Second Taxation Division,****Maul, Etc.**

Assessor (\$200.00) .....	4,800.00	
Deputy Assessors, Col- lectors, Clerks, Inter- preters, Commissions and expenses .....	18,500.00	23,300.00

**Third Taxation Division,****Hawaii:**

Salary of Tax Assessor, Hawaii (\$200.00) .....	4,800.00	
Deputy Assessors, Col- lectors, Clerks, Commis- sion including expenses	27,000.00	21,800.00

**Fourth Taxation Division,****Kauai and Niihau:**

Assessor (\$200.00) .....	4,800.00	
Deputies, Clerks, Inter- preters, Commissions and expenses .....	15,000.00	20,300.00

**Bureau of Conveyances:**

Registrar (\$225.00) .....	5,400.00	
Deputy Registrar (\$150.00) .....	3,600.00	
Expert Indexer (\$100.00) .....	2,400.00	
Three Clerks (\$90.00) .....	6,480.00	
Five Clerks (\$75.00) .....	9,000.00	
One Clerk (\$60.00) .....	1,440.00	
One Clerk (\$40.00) .....	960.00	
Expenses . . . . .	3,000.00	\$ 32,280.00

**Liquor Commission:**

Exxpenses . . . . .	25,000.00
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## SENATE JOURNAL.

## PUBLIC INSTRUCTION.

## General:

Superintendent (\$325.00) .....	7,800.00	
Secretary (\$150.00) .....	3,600.00	
Assistant Secretary and Book-keeper (\$125.00) . . . . .	3,000.00	
Stenographer (\$100.00) .....	2,400.00	
Expenses . . . . .	9,000.00	
Industrial training, school supplies, Books, Libraries and lace making..	30,000.00	55,800.00

## Instruction:

One School Inspector, including Trav- eling expenses (\$250.00) .....	6,000.00	
Medical Inspectors (2 at \$250.00)....	12,000.00	
Teachers . . . . .	982,000.00	1,000,000.00

## Special Schools:

Lahainaluna, Maintenance .....\$ 20,000.00

## Boys' Industrial:

Superintendent (\$150.00) ...	3,600.00	
Watchmen . . . . .	3,600.00	
Maintenance . . . . .	25,000.00	32,200.00

## Girls' Industrial:

Matron (\$100.00) .....	2,400.00	
Housemothers . . . . .	3,120.00	
Maintenance . . . . .	10,000.00	15,520.00
		67,720.00

## COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

Salaries, Pay Roll and Expenses .....\$ 20,000.00

## PUBLIC WORKS, PUBLIC LANDS AND SURVEY.

## General:

Superintendent of Public Works, Com- missioner of Public Lands and Sur- veyor (\$416.66 2/3) .....	\$ 10,000.00	
Engineers, Draughtsmen, Architects, Surveyors, Clerks, Stenographers, Sub-agents, Rangers, Messengers, Expenses . . . . .	90,000.00	\$100,000.00

**Land Board:**

Secretary (\$50.00) .....	1,200.00	
Expenses .....	2,000.00	3,200.00

**Government Property:****Capitol and Judiciary Buildings and Grounds:**

Caretaker (\$75.00) .....	1,800.00	
Guards (3 at \$60.00) .....	4,320.00	
Janitors (5 at \$40.00) .....	4,800.00	
Laborers (6 at \$40.00) .....	5,760.00	16,680.00

Repairs, Capitol Building .....	10,000.00	
Keeper, Mausoleum (\$50.00) .....	1,200.00	

**Maintenance, Government Property:**

Oahu .....	\$12,500.00	
Hawaii .....	3,500.00	
Maui .....	1,000.00	
Kauai .....	1,000.00	18,000.00

Flags for Court and School Houses....	500.00	
Telephone Exchange, Capitol and Judiciary Building .....	3,336.00	49,716.00

**Territorial Town Lots:**

Grading and improving .....	2,500.00	
Sidewalks .....	2,500.00	5,000.00

**Landings and Wharves:**

Foreman (\$125.00) .....	3,000.00	
Sweepers (3 at \$40.00) .....	3,840.00	
<b>Maintenance, Repairs, Additions:</b>		
Oahu .....	30,000.00	
Hawaii .....	7,500.00	
Maui .....	7,000.00	
Kauai .....	5,000.00	49,500.00
		56,340.00

**Harbor Master, Honolulu:**

Harbor Master (\$200.00) .....	4,800.00	
Assistant Harbor Master (\$150.00) .....	3,600.00	
Expenses .....	350.00	\$ 8,750.00

**Pilots:****Honolulu:**

Pilots (3 at \$200.00) .....	14,400.00	
Watchman (\$65.00) .....	1,560.00	
Expenses (8 Pilot Boat Boys \$60.00) ..	11,520.00	
Watchman, Diamond Head (\$75.00) ..	1,800.00	
Boats, Repairs, Incidentals .....	1,000.00	30,280.00

**Hilo:**

Pilot, Gunpowder and Kerosene Oil

Keeper (\$175.00) ..... 4,200.00

Pilot Boy (\$40.00) ..... 960.00

Expenses . ..... 500.00      5,660.00

**Kahului:**

Pilot, Gunpowder and Kerosene Oil

Keeper (\$200.00) ..... 4,800.00

Expenses . ..... 3,000.00      7,800.00

Keeper, Powder Magazine, Honolulu...      1,800.00

**BOARD OF AGRICULTURE AND FORESTRY.****Board:**

Secretary, clerks, stenographers, libra-

rian, editor, janitor, stableman, yard-

man .....\$ 10,000.00

Printing, binding, books, furniture, re-

pairs and maintenance of buildings

and grounds, stationery, telephone,

light, gas, travelling expenses, inci-

dentals and other general expenses.. 12,500.00      22,500.00

**Division of Forestry:**

Superintendent of Forestry (\$250.00).. 6,000.00

Botanist (\$150.00) ..... 3,600.00

Supplies and field expenses, botanist... 1,500.00

Traveling expenses ..... 900.00      12,000.00

**Division of Entomology:**

Superintendent of Entomology (\$250.00) 6,000.00

Assistants and Inspectors ..... 7,200.00

Apparatus and Laboratory supplies.... 800.00

Traveling Expenses ..... 500.00      14,500.00

**Division of Animal Industry:**

Superintendent of Animal Industry

(\$250.00) .....\$ 6,000.00

Assistants and Inspectors, Territorial.. 7,800.00

Quarantine Stations, Rent and Care-

takers . ..... 2,500.00

Apparatus and Laboratory Supplies .... 1,000.00

Traveling Expenses ..... 500.00      17,800.00

All other expenses under the Board to be paid  
from the Conservation Fund.

# REGULAR SESSION.

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## BOARD OF HEALTH.

### General:

President (\$325.00) .....	7,800.00	
Secretary, Clerks, Stenographers, Jani- tors, Messengers, Expenses .....	27,000.00	34,800.00

### Sanitation:

General Health and Sanitary Officer, Territory (\$275.00) .....	6,600.00	
Chief Sanitary Inspector, O a h u (\$200.00) .....	4,800.00	
Chief Sanitary Inspector, Hawaii (\$200.00) .....	4,800.00	
Chief Sanitary Inspector, M a u i (\$150.00) .....	3,600.00	
Chief Sanitary Inspector, Kauai (\$150.00) .....	3,600.00	
District Sanitary Inspector, Oahu (\$100.00) .....	2,400.00	
District Sanitary Inspector, Hawaii (\$90.00) .....	2,160.00	
Sanitary Inspectors, Honolulu (\$720.00)	17,280.00	
Expenses, Territory .....	12,000.00	57,240.00

### Pure Food:

Food Commissioner and Analyst (\$125.00) .....	3,000.00	
Assistants and Expenses .....	2,800.00	5,800.00

### Medical and Quarantine Service and Supplies:

Bacteriologist and Pathologist (\$250.00)	6,000.00	
Pay of Government Physicians .....	42,720.00	
Quarantine, Fumigation, Disinfection, Medical Service, Medical Supplies and Suppression of Contagious Dis- eases .....	50,000.00	
Prevention and cure of Tuberculosis, including aid to Leahi Home .....	35,600.00	
Vaccination Supplies .....	2,750.00	
Rat Campaign, Territory .....	18,000.00	
Mosquito Campaign, Territory .....	30,000.00	
Repairs, Alterations, Extension Equip- ment, Quarantine Station, Honolulu.	2,000.00	
Repairs, Alterations, Extension, Equip- ment, Quarantine Station, Hilo.....	1,000.00	188,070.00

**Care of Lepers and Their Children:  
General, Settlement and Receiving Sta-  
tion:**

Medical Pay Roll .....	\$ 26,760.00	
General Pay Roll .....	60,000.00	
Sheriff and Police (\$120.00) .....	2,880.00	
Segregation and Maintenance .....	192,000.00	
Medical and Surgical Supplies and Equipment .....	27,000.00	
Telephone System .....	500.00	
Postage, Stationery, Freight of Packages .....	1,200.00	
Store .....	65,000.00	
Improvements .....	10,000.00	\$385,340.00

**Kapiolani Girls' Home:**

Pay Roll .....	4,800.00	
Maintenance .....	12,000.00	

**Kalihi Boys' Home:**

Pay Roll .....	6,000.00	
Maintenance .....	12,000.00	34,800.00

**Insane Asylum:**

Pay Roll .....	39,500.00	
Maintenance .....	51,700.00	91,200.00

**THE COURTS.**

**Supreme Court:**

Clerk (\$175.00) .....	\$ 4,200.00	
Assistant Clerk (\$125.00) .....	3,000.00	
Stenographer and Clerk (\$125.00)....	3,000.00	
Bailiff and Librarian (\$100.00) .....	2,400.00	
Law Books .....	1,500.00	
Compiling, Publishing, Binding Reports	1,500.00	
Expenses .....	1,000.00	16,600.00

**Circuit Courts:**

**First Circuit Court and Land Court:**

Chief Clerk (\$175.00) .....	4,200.00	
3 Clerks, (\$125.00 each) .....	9,000.00	
3 Clerks, (\$100.00 each) .....	7,200.00	
3 Stenographers (\$175.00 each) .....	12,600.00	
2 Hawaiian Interpreters, (\$125.00 each)	6,000.00	
Japanese Interpreter (\$125.00) .....	3,000.00	
Chinese Interpreter (\$125.00) .....	3,000.00	

Probation Officer (\$125.00) .....	3,000.00	
Expenses . . . . .	27,500.00	
Support, Juvenile Court Dependents ..	1,000.00	76,500.00

Second Circuit Court:

Clerk (\$125.00) .....	3,000.00	
Stenographer (\$125.00) .....	3,000.00	
Law Books .....	300.00	
Expenses . . . . .	10,000.00	
Support, Juvenile Court Dependents....	500.00	16,800.00

Third Circuit Court:

Clerk (\$100.00) .....	2,400.00	
Stenographer . . . . .	2,000.00	
Law Books .....	300.00	
Expenses . . . . .	8,000.00	12,700.00

Fourth Circuit Court:

Clerk (\$135.00) .....	3,240.00	
Stenographer (\$135.00) .....	3,240.00	
Assistant Clerk, Messenger and Inter- preter (\$100.00) .....	2,400.00	
Law Books .....	300.00	
Expenses . . . . .	14,000.00	
Support, Juvenile Court Dependents...	1,000.00	24,180.00

Fifth Circuit Court:

Clerk (\$125.00) .....	3,000.00	
Law Books .....	200.00	
Expenses . . . . .	8,000.00	11,200.00

District Court, Kalawao:

Magistrate (\$125.00) .....	\$600.00	
Expenses . . . . .	25.00	\$ 625.00

GENERAL.

Continguent Fund from which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific provision or any insufficient specific provision is made herein, a detailed account of all which expenditures shall be submitted to the next Legislature . . . . . \$ 50,000.00

Grand Total .....\$3,298,761.00

Section 2. This Act shall take effect on the first day of July, 1911.



The Message was referred to the Printing Committee upon motion by Senator C. Brown, seconded by Senator Chillingworth.

Senator Fairchild gave notice of his intention to introduce a Bill, entitled, "An Act making an Appropriation for the Current Expenses for the Biennial Period, Ending June 30, 1913."

Under suspension of the Rules, Senator Fairchild introduced Senate Bill No. 22 entitled, "An Act making an Appropriation for the Current Expenses for the Biennial period, ending June 30, 1913."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Consideration of Governor's Message No. 2 relative to appointments:

Upon motion by Senator C. Brown, seconded by Senator Kalamalama the appointments of the Governor up to the Members of the Boards of Registration were approved.

Upon motion by Senator Robinson, seconded by Senator Chillingworth, consideration of the remaining appointments in Governor's Message No. 2 was deferred to February 24th.

Senator J. T. Brown for the Committee on Enrollment, Revision and Printing presented a Report (No. 1) which was read by the Clerk as follows:

#### SENATE CHAMBER.

Honolulu, February 17, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Enrollment, Revision and Printing beg leave to report that Senate Bills Nos. 2 and 3 are printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,  
Chairman.  
E. W. QUINN,  
WM. T. ROBINSON.

The Report of the Committee was adopted.  
Second Reading of Senate Bill No. 2, entitled, "An Act to

enable the City and County of Honolulu to provide for City and County Loans."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 3, entitled, "An Act to repeal Chapter 73 of the Revised Laws of Hawaii, relating to Building and Moving Permits."

The Bill was referred to the Judiciary Committee.

At 11:30 o'clock A. M. the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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#### FOURTH DAY.

Saturday, February 18, 1911.

The Senate came to order at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Makekau absent.

A Communication from the Attorney General (No. 2) was read by the Clerk, as follows:

OFFICE OF THE ATTORNEY GENERAL.  
The Capitol, Honolulu, Hawaii.

February 18, 1911.

D—2499

Hon. E. A. Knudsen,  
President of the Senate of  
the Territory of Hawaii.

Sir:—

I would esteem it a great favor if two copies of all Bills which are introduced in the Senate and printed were immediately sent to this Department.

ALEXANDER, LINDSAY, JR.  
Attorney General.

The communication was received and placed on file.

A communication (No. 6) from the Secretary of the Hawaii Promotion Committee was read by the Clerk as follows:

**THE HAWAII PROMOTION Committee.**

Honolulu, Hawaii, Feb. 17, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Honolulu.

Dear Sir:—

By bearer, we are sending you thirty tickets to the lecture "A Trip to the South Seas" by Mr. Percy Hunter, Director of the Bureau of Immigration for New South Wales, Australia, to be given at the Hawaiian Opera House Monday, February 20, 1911, at 8 P. M. This lecture will be illustrated by moving picture films and carefully selected lantern slides.

We can promise you a delightful and instructive evening.

Trusting that you may find it convenient to distribute these tickets among the members of the Senate, I remain,

Very truly your,

H. P. WOOD,  
Secretary.

The communication was received and placed on file, and the invitation accepted with thanks.

Senator J. T. Brown presented Report (No. 2) of the Committee on Enrollment, Revision and Printing, stating that Senate Bills Nos. 4, 5 and 6 were printed and ready for distribution.

Senator C. Brown moved that the Report of the Committee be adopted and placed on file, seconded by Senator Baker and carried.

Senator Baker gave notice of his intention to introduce the following Bills:

1. "An Act to Amend Sections 2, 3, 4 and 5 of Act 53 of the Session Laws of 1907, entitled 'An Act Providing for Witness Fees in Criminal Cases.' "

2. "An Act Providing for the Construction of a New Wharf at the Mahukona Landing."

Under suspension of rules, Senator Baker introduced S. B. No. 23, entitled "An Act to Amend Sections 2, 3, 4 and 5 of

Act 53 of the Session Laws of 1907, entitled, 'An Act Providing for Witness Fees in Criminal Cases.' "

The Bill passed First Reading by title and was referred to the Printing Committee.

The Rules being suspended, Senator Baker introduced Senate Bill No. 24, entitled, "An Act to Provide for the Construction of a New Wharf at the Mahukoa Landing."

The Bill passed First Reading by title and was referred to the Printing Committee.

Under suspension of the Rules, Senator Judd introduced Senate Bill No. 25, entitled An Act to Provide for the Publication of the Decisions of the United States District Court for Hawaii."

The Bill passed First Reading by title and was referred to the Printing Committee.

The Rules being suspended, Senator Judd introduced Senate Bill No. 26, entitled "An Act to Authorize the Appointment of the Sanitary Commission of Honolulu, and to Appropriate Money for the Expenses of Such Commission."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Hewitt gave notice of his intention to introduce a Bill entitled "An Act to Appropriate \$15,000.00 for the Purchase of Private Lands in North and South Kona, Island of Hawaii, for Homestead Purposes, and to Define the Area of Such Homesteads."

Under suspension of the Rules, Senator Hewitt introduced Senate Bill No. 27, entitled "An Act to Appropriate \$15,000.00 for the Purchase of Private Lands in North and South Kona, Island of Hawaii, for Homestead Purposes, and to define the area of Such Homesteads."

The Bill passed First Reading by title and was referred to the Printing Committee.

Second Reading of House Bill No. 1, entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the Year 1911, from the Public Treasury."

Upon motion by Senator Kaleiopu, seconded by Senator Robinson, the Bill passed Second Reading and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 4, entitled "An Act to

Amend Section 18 of the Session Laws of 1905, Relating to the Collection of Inheritance Tax."

The Bill was referred to the Ways and Means Committee.

Second Reading of Senate Bill No. 5, entitled "An Act to Amend Sections 5 and 6 of Act 33 of the Session Laws of 1909, Entitled 'An Act to Promote the Conservation and Development of the Natural Resources of the Territory, Through Immigration and Other Means, by Imposing a Tax on Incomes and Appropriating the Proceeds for Such Purpose.'"

The Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 6, entitled "An Act to Prohibit Any Government Officer from Being Interested in Any Contract or Agreement to Which the Government Is a Party."

The Bill was referred to the Judiciary Committee.

Senator Fairchild presented a report from the Holdover Committee on Ways and Means, appointed by the last Senate, submitting data and information regarding the finances of the Territory.

#### SENATE CHAMBER.

Honolulu, February 18, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Senate Resolution No. 65, Session Laws 1909, appointed a "Hold Over Committee" to "prepare and submit to the Senate of the Session of 1911 such data, information and bills as may be necessary regarding the financial condition of the Territory as will properly and intelligently guide the members of the Senate of said Session of 1911 in their deliberations affecting the financial condition of the Territory, the revenues of the Territory, the divisions of revenue between the Territory and the Counties, and the expenditures of appropriations for the use and maintenance of the Territory and of the Counties." In conformity with that resolution we herewith submit the following financial data in four exhibits as follows:

#### EXHIBIT A.

Detail lists of Acts 142 and 150, Session 1909, being the so-called General Appropriation Bills, wherein the total amount of the appropriation is shown, the amount of such appropria-

tion expended during the fiscal year ending June 30, 1910, also the first half of the second fiscal year ending the 31st of December, and the balance available for the last half of the biennial period; the amount required for the period ending June 30, 1911, with the estimated surplus and deficit under each appropriation; the estimates of the various departments for the next biennial period ending June 30, 1913, together with the Governor's recommendations according to the budget to be submitted with his message.

#### EXHIBIT B.

A detailed classified statement of all expenditures under the general appropriation bill up to December 31, 1910, which appear in the statement referred to under Exhibit A.

#### EXHIBIT C.

A detailed statement of various acts of last session which appropriated moneys showing their present status.

#### EXHIBIT D.

A statement showing the Receipts and Disbursements of the Territory of Hawaii, eliminating all purely local items, as based on the Receipts and Disbursements of the fiscal year ending June 30, 1910.

Should the revenues of the Territory be apportioned to the Territory and Counties as outlined in the above statements, under Exhibit No. 4 will be found those which will be available for the Territory and those which will go over to the Counties.

The financial data presented herewith has been compiled by the various officers of the Departments, checked by the Auditor and reviewed by the Governor.

As apart from the general scheme, there is but little credit due your committee for the amount of useful information presented for the consideration of the Senate.

While twelve hundred dollars (\$1200.00) was appropriated for the expense of carrying out the objects and purposes of the resolution, we are pleased to be able to report that owing to the excellent system of accounting now in vogue throughout the Territorial Departments, no expense has been incurred by the Committee in the preparation of their report.

GEO. H. FAIRCHILD,  
Chairman.

S. E. KALAMA,  
Member.

The Communication was received and placed on file, to be taken up for consideration with the Appropriation Bill.

A Communication from the Board of Immigration of the Territory of Hawaii (No. 4) was read by the Clerk as follows:

Honolulu, Hawaii, February 18, 1911.

John H. Wise, Esq.,  
Clerk of the Senate of  
the Territory of Hawaii,  
Honolulu, T. H.

Sir:—

I take pleasure in acknowledging receipt of your favor of the 17th, inst., notifying me of the adoption of a resolution by the Senate calling for lists of officers and employees of various departments and branches of the Territorial Government, together with salaries paid such persons. I append herewith a list of the salaried officials of the Board of Immigration, which is as follows:

Victor S. Clark, Executive Officer; Salary, Five Thousand Dollars per annum;

Ralph A. Kearns, Assistant Secretary; Salary Two Thousand Four Hundred Dollars per annum;

Woldemar Tarnsoffsky, Interpreter; Salary, Three Hundred and Sixty Dollars per annum;

A. J. Campbell, Special Agent engaged at present on European mission; Salary, Six Thousand Dollars per annum;

M. A. Silva, Clerk and Interpreter to Special Agent; Salary, Two Thousand Four Hundred Dollars per annum.

I have the honor to remain,

Yours respectfully,

RALPH A. KEARNS,  
Assistant Secretary.

The Communication was received and placed on file, to be taken up for consideration with the Appropriation Bill.

A Communication (No. 5) from the Bureau of Conveyances was read by the Clerk, as follows:

#### BUREAU OF CONVEYANCES.

Honolulu, T. H., February 20, 1911.

John H. Wise, Esq.,  
Clerk of the Senate,  
Honolulu, Hawaii.

Dear Sir:—

In acknowledgment of your favor of February 17th, informing me of the resolution passed by the Senate requesting

Government officials to submit to the Senate a personnel of their departments, together with a statement of salaries, I beg to state that the same is incorporated in the report of the Treasurer of the Territory to the Legislature, and will be found on page XIV of the supplement thereof.

Yours respectfully,

CHAS. H. MERRIAM,  
Registrar of Conveyances.

The Communication was received and placed on file.

A Communication (No. 6) from the Board of Agriculture and Forestry, was read by the Clerk, as follows:

**BOARD OF COMMISSIONERS OF AGRICULTURE AND  
FORESTRY.**

Honolulu, Hawaii, February 20, 1911.

Sir:—

In compliance with Resolution adopted in the Senate of the Territory of Hawaii on February 17, 1911, I take pleasure in submitting herewith list of employees of the Board of Agriculture and Forestry, showing their respective salaries.

Very truly yours,

MARSTON CAMPBELL,  
President and Executive Officer.

Hon. E. A. Knudsen,  
President of the Senate of  
the Territory of Hawaii,  
Honolulu.

The Communication was received and placed on file, to be taken up for consideration with the Appropriation Bill.

A Communication (No. 7) from the Department of Public Works was read by the Clerk, as follows:

**TERRITORY OF HAWAII.  
Department of Public Works.**

Honolulu, February 20, 1911.

Sir:—

In compliance with resolution adopted in the Senate of the Territory of Hawaii on February 17, 1911, I take pleasure in



submitting herewith a list of the employees of the Public Works, Land, Survey, Waterworks and Sewer Department, together with their respective salaries.

Very respectfully,  
MARSTON CAMPBELL,  
Superintendent of Public Works,  
Commissioner of Public Land,  
Territorial Surveyor.

Hon. E. A. Knudsen,  
President of the Senate,  
Territory of Hawaii,  
Honolulu.

The Communication was received, and the accompanying statistics were laid on the table, to be taken up for consideration with the Appropriation Bill.

A Communication from the Department of the Attorney General (No. 8) was read by the Clerk, as follows:

**OFFICE OF THE ATTORNEY GENERAL.**

The Capital.

Honolulu, Hawaii, Feb. 20, 1911.

Honorable E. A. Knudsen,  
President, Senate of the  
Territory of Hawaii.

Sir:—

In obedience to the Resolution adopted in the Senate on February 17, 1911, I have the honor to submit herewith a complete list of the officers and employees now connected with this Department and their respective salaries and wages.

Respectfully,  
ALEXANDER LINDSAY, JR.,  
Attorney General.

**DEPARTMENT OF THE ATTORNEY GENERAL.**

Officer	Salary per month.
Alexander Lindsay, Jr., Attorney General.....	\$350.00
E. W. Sutton, 1st Deputy .....	300.00
Arthur G. Smith, 2nd Deputy .....	200.00
Ellen K. Dwight, Stenographer .....	100.00
Samuel Upa, Clerk .....	100.00
Titus Lovell, Messenger .....	20.00

The Communication was received and placed on file, to be taken up for consideration with the Appropriation Bill.

A Communication (No. 9) from the Secretary of the Territory's Office, was read by the Clerk, as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., Feb. 20, 1911.

Mr. John H. Wise,  
Clerk of the Senate,  
Honolulu, T. H.

Sir:—

In the absence of the Secretaary, I take pleasure in acknowledging the receipt of your communication of the 17th inst., informing this department of the adoption by the Senate of a Resolution requesting that each department and board furnish it with a complete list of the officers and employees now in their employ and their respective salaries and wages. The following list gives the names and salaries paid to those employed by the Secretary at the present time:

**Secretary's Office:**

H. P. O'Sullivan, Chief Clerk.....	\$125.00	per month
G. R. Clark, Stenographer.....	125.00	" "
Paul Smith, Clerk.....	125.00	" "
Harry Klemme, Jr., Clerk.....	75.00	" "
R. S. Lono, Clerk.....	45.00	" "
F. K. Cockett, Messenger.....	60.00	" "

**Archives Commission:**

R. C. Lydecker, Librarian.....	\$150.00	per month
Stephen Mahaulu, Clerk.....	80	" "

Very truly yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file, to be taken up for consideration with the Appropriation Bill.

A Communication (Mis. No. 7) from the President of the College of Hawaii was read by the Clerk, as follows:

**THE COLLEGE OF HAWAII.**

Honolulu, Hawaii, February 18, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Honolulu.

Dear Sir:—

Will you kindly permit me to extend to the Senate and to its members individually a cordial invitation to visit the College and inspect its work and equipment?

In order to accomplish this inspection both in the City and in Manoa Valley, about three hours time will be required. We shall be pleased to render any information that we can regarding the College and its work.

Very Respectfully,

JOHN W. GILMORE,  
President.

The communication was referred to the Education Committee with power to make the necessary arrangements for visiting the College.

The Printing Committee presented the following Report (St. Com. Rep. No. 3), which was read by the Clerk, as follows:

Honolulu, February 20, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Enrollment, Revision and Printing begs leave to report that Senate Bills 7, 8, 9, 12 and 14 have been printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,  
Chairman.

WM. T. ROBINSON,  
E. W. QUINN.

The report of the Committee was received and placed on file. The Printing Committee presented a Report (St. Com. Rep. No. 4), which was read by the Clerk, as follows:

Honolulu, February 20, 1911.

Hon. E. A. Knudsen,  
President of the Senate,

Sir:—

Your Committee on Enrollment, Revision and Printing begs leave to report that Senate Bills Nos. 10, 11, 16, 17, 19 and 20 are printed and ready for distribution.

Respectfully submitted,

JOHN T. BROWN,  
Chairman.

WM. T. ROBINSON,  
E. W. QUINN.

The Report of the Committee was received and placed on file.

At 10:20 o'clock, Senator Fairchild, Chairman of the Committee appointed to wait upon the Chief Justice to have him appear and administer the oath of office to Senator Makekau, reported verbally that the Chief Justice would not be able to attend at the Senate Chamber and asked that Senator Makekau take the oath of office at his Chambers in the Judiciary building. Whereupon Senator Makekau complied with the request of the Chief Justice and was duly sworn in.

Consideration of Senate Concurrent Resolution No. 1. Upon motion by Senator Baker, seconded by Senator Kaleiopu, the Resolution was referred to the Committee on Education.

Consideration of Senate Concurrent Resolution No. 2. Upon motion by Senator Baker, seconded by Senator Hewitt, the Resolution was referred to the Judiciary Committee.

Third Reading of House Bill No. 1, entitled "An Act to Appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the Year 1911 from the Public Treasury."

Upon motion by Senator Kaleiopu, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Kaleiopu, Pali, Quinn and Mr. President. Total, 9.

Noes: None.

Absent and not voting: Senators Fairchild, Judd, Kalama, Makekau, Moore, Robinson. Total, 6.

Second Reading of Senate Bill No. 7, entitled "An Act to Provide for the Construction of a Wharf at Napoopoo, South Kona, Island of Hawaii, and Making Special Appropriation Therefor."

The Bill was referred to the Committee on Public Lands and Internal Improvements.

Second Reading of Senate Bill No. 8, entitled "An Act to Amend Sections 12a, 24, 28 of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.'"

On motion by Senator Baker, seconded by Senator Fairchild,

the Bill was referred to a Special Committee consisting of all of the Members from the Island of Hawaii.

Second Reading of Senate Bill No. 9, entitled "An Act to Amend Sections 2965, 2966, 2967, 2968 and 2969 of the Revised Laws of Hawaii Relating to the Crime of Embezzlement."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 11, entitled "An Act to Amend Section 1804 of the Revised Laws of Hawaii Relating to Judgments and Executions."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 12, entitled "An Act to Provide for the Giving of Notice to Subsequent Purchasers or Incumbrancers of the Pendency of Any Action, Suit or Proceeding Affecting or Concerning the Title or the Right of Possession of Real Property."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 14, entitled "An Act to Repeal Chapter 74 of the Revised Laws of Hawaii, Relating to Fire Limits."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 16, entitled "An Act to Amend Section 93 of Chapter 21 of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 17, entitled "An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

The Bill was referred to the Committee on Ways and Means.

At 10:40 o'clock A. M. the following Message (No. 4) was received from the Governor, which was read throughout by the Clerk:

#### **A MESSAGE FROM THE GOVERNOR.**

Territory of Hawaii,  
Executive Chamber.

Honolulu, February 20th, 1911.

To the Legislature:

I have the honor to submit herewith, as required by law, a statement of the expenditures made from the general or con-

tingent fund during the first eighteen months of the present biennial period.

The wisdom of providing such a fund has been demonstrated by the experience of this, the first, fiscal period for which such a fund has been provided as well as by that of past fiscal periods. Somewhat similar provision was made here under the Monarchy and under the Republic and is now made in some of the States on the Mainland. Indeed, the greater part of the county revenues, amounting to nearly \$3,000,000 in a biennial period, is nothing less than a general or contingent fund subject to allotment by small bodies of men from time to time as occasion may require; and that is one of the advantages of local government. In the Territorial Government, in which the Legislative Sessions are biennial, it is impossible to foresee or provide specifically for all needs for two years to come. Without such a provision the Executive and Judicial Departments would be obliged either to incur obligations without authority of law, trusting to the next legislature to make the necessary ratifications and appropriations, as has been customary in the past, or else to permit absolutely necessary governmental functions to cease, with most calamitous results, as for instance, to close Oahu Prison, the Boys' Industrial School and the Circuit Courts, and permit epidemics or dangerous diseases to run their course unhindered.

Great responsibility is involved in the expenditure of such a fund and in exercising it I have steadily leaned against demands upon it. Indeed, the most notable feature in connection with its expenditure is one that does not appear on the face of the statement, namely, the large number and urgency of the applications, both by officials and by others, for allotments from this fund, which have been refused—some of them for very commendable objects.

It will be noticed from the statement that one group of expenditures was expressly authorized by a concurrent resolution of the Legislature, namely, for the relief of persons released from the Leper Settlement.

Another group of expenditures was made for needs created by various laws or joint resolutions, but for which no appropriations were made. Most of these were for the Insanity, Dairy, Truck-farm, Homestead and Wharf Commissions, created by joint resolutions of the Legislature, and the Land Board, created by Act of Congress, and the Normal School, an appropriation for which was overlooked by the last Legislature when public school buildings, with certain exceptions, were transferred to the Counties. One item was for the construction of side-walk along government property in Honolulu; not only were these required by law to be made under the

circumstances, but the Territory could not fairly have refrained from constructing them when the United States and private owners were constructing similar sidewalks on adjoining premises in compliance with the Territorial laws. Another item was for assistance in food inspection, necessitated by pressure of that work under special conditions.

A third group of expenditures was for needs for which appropriations proved insufficient. These were mostly cases of general appropriations which were not prorated and which became exhausted; namely, for the maintenance of the Boys' Industrial School and Oahu Prison, expenses of the Third Circuit Court, expenses of the Tax Bureau, the Harbor Master at Honolulu, Landings and Wharves on Maui, and Quarantine, Fumigation, Etc. The expenditure for Landings and Wharves on Maui was chiefly to repair damages caused by a storm to the warf at McGregor's Landing. The expenditures for Quarantine, Fumigation, Etc., were mainly to check various epidemics, especially the recent ones on the Island of Maui. There are two cases in which allotments were made although there were prorated appropriations, namely, for the increases in the salaries of the Attorney General and First Deputy Attorney General. These were made with great reluctance because on their face they seemed unjustifiable, although within the language of the statute. They were made because the facts were believed to bring them also within the spirit of the statute. They were not made because my opinion differed from that of the Legislature in regard to what these salaries should be; indeed, the Legislature appropriated the amounts which I recommended at that time. They were made because actual experience disclosed their necessity. About that time law practice in Honolulu seemed to grow more profitable and it became increasingly difficult to induce attorneys to accept public office. There were a number of resignations from the Supreme Court and Circuit Courts solely for financial reasons, and resignations from the Attorney General's Department and the quest for new men for that department showed the increase to be necessary in the public interests. It must be borne in mind, incidentally, that the Attorney General and his deputies devote their entire time to their public duties and do not supplement their salaries by private practice, as the County Attorneys do and the Attorney General and his deputies did formerly.

The expenditures amounted to \$5,196.47 for the first fiscal year and \$6,515.88 for the first half of the second or present fiscal year, a total of \$11,712.35 leaving a balance of \$38,287.65 for the second half of the present fiscal year. The requirements naturally increase as the end of the biennial period approaches, in consequence of the exhaustion of one ap-

appropriation after another. Notwithstanding that the appropriations were cut down to an unusual extent two years ago and that the contingent fund amounted to only \$50,000.00 as compared with appropriations which were required to be made by the last Legislature to the extent of about \$85,000.00 to make up deficiencies for the previous biennial period, it was believed, until the recent epidemics on Maui, that the fund would be sufficient. But the large expenses of those epidemics will require an additional appropriation, and I accordingly recommend an appropriation of \$20,000.00 for "Quarantine, Fumigation, Disinfection, Medical Services, Medical Supplies, Prevention and cure of Tuberculosis and suppression of Contagious Diseases," that being the title of the appropriation that has been exhausted.

The principal expenditures that will be required from this fund for other purposes until the end of this biennial period will be for the First, Second, Fourth Circuit Courts, say \$12,000.00 or \$14,000.00; for the Oahu Prison, say \$13,500.00; and for the Boys' Industrial School, say \$5,000.0. Smaller amounts will be required for other purposes.

Unusual care has been taken to keep the expenses of the Prison and the Industrial School to the lowest possible amounts, and with remarkable success. The cost per boy per day (less than 33 cents) at the Industrial School has remained practically the same, although the standard of living has been improved and prices have risen. That school is largely self-supporting and contributes some of its products also to the Girls' Industrial School. The cost of prisoner per day (less than 50 cents) at the prison has increased very little, although prices have risen and the aggregate number of prisoners has been reduced by transferring the adjoining Honolulu Jail to the City and County of Honolulu, the cost per prisoner per day in which jail has increased far more, probably chiefly for the same reason, namely, the reduction, greater in the case of the jail than in the case of the prison, in the number of prisoners to be cared for together.

WALTER F. FREAR,  
Governor of Hawaii.

The Message was referred to the Printing Committee.

A Communication from the House of Representatives (No. 5) was read by the Clerk as follows:



## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 20, 1911.

The Honorable President, and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:

I have the honor to return herewith Senate Bill No. 1 which  
this day passed Third Reading in the House of Representa-  
tives of the Territory of Hawaii.

Yours respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Second Reading of Senate Bill No. 19, entitled "An Act to  
Provide for a Separate Government Physician to Each of the  
Districts of North and South Kona, in the County of Hawaii,  
and to Regulate the Pay thereof."

The Bill was referred to the Committee on Public Health.

Second Reading of Senate Bill No. 20, entitled "An Act to  
Amend Section 1 of Act 98 of the Session Laws of 1907, Re-  
lating to the Pay of Laborers Engaged on Public Works."

The Bill was referred to the Committee on Ways and Means.

A Communication from the High Sheriff of the Territory  
(No. 10) was read by the Clerk, as follows:

Honolulu, T. H., February 20, 1911.

John H. Wise, Esq.,  
Clerk of the Senate,  
Honolulu, T. H.

Sir:—

As per your request I am enclosing you herewith list of  
pay-rolls of officers and employees of Oahu Prison.

Respectfully yours,

WILLIAM HENRY,  
High Sheriff, Territory of Hawaii.

The Communication was received and placed on file and the accompanying data was laid on the Table to be taken up for consideration with the Appropriation Bill.

At 10:57 o'clock A. M. the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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### SIXTH DAY.

Tuesday, February 21, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called showing Senator C. Brown absent.

The Journal of the Fifth Day was read, and approved as read.

A Communication (No. 11) from the Office of the Secretary of the Territory was read by the Clerk as follows:

#### EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., Feb. 20, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Honolulu, T. H.

Sir:—

Nn the absence of the Secretary, I have the honor to notify your Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 1, Act 1, entitled "An Act to appropriate Money for the Purpose of Defraying the Expenses of the Regular Session of the Senate of the Legislature of the Territory of Hawaii of the Year 1911;"

House Bill No. 1, Act 2, entitled "An Act to appropriate

Money for the purpose of Defraying the Expenses of the Regular Session of the House of Representatives of the Legislature of the Territory of Hawaii of the Year 1911, from the Public Treasury."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.  
A Communication (No. 12) from the Governor was read by the Clerk, as follows:

EXECUTIVE CHAMBER.  
Honolulu, Hawaii.

February 20, 1911

Mr. John H. Wise,  
Clerk of the Senate,  
Honolulu, T. H.

Dear Sir:—

Replying to your letter of the 17th inst., a complete list of the officers and employees of the Governor's office is included in the list of officers and employees of the Governor's and Secretary's offices combined, which has been furnished you by the Secretary's office, with the exception of the Governor's Private Secretary, whose salary is paid by the United States Government. I may add that one of the clerks, Captain Paul Smith, is engaged only temporarily for the tabulation of the returns of the military census and that his employment will soon cease.

Respectfully yours,

WALTER F. FREAR,  
Governor of Hawaii.

There being no objection, the Communication was laid on the Table to be considered with the Appropriation Bill.

A Communication (No. 13) from the President of the College of Hawaii was read by the Clerk as follows:

THE COLLEGE OF HAWAII.  
Honolulu, Hawaii.

February 20, 1911.

Mr. John H. Wise,  
The Senate Chamber,  
Honolulu.

Dear Sir:

In accordance with your request of February 17th, I take pleasure in enclosing herewith a complete list of the faculty and employees of this College.

Very respectfully,

JOHN W. GILMORE,  
President.

The Communication was laid on the Table to be taken up for consideration with the Appropriation Bill.

A Communication (No. 14) from the Auditor of the Territory was read by the Clerk as follows:

AUDITING DEPARTMENT.

Territory of Hawaii.

Honolulu, February 20, 1911.

John H. Wise,  
Clerk of the Senate,

Dear Sir:

Replying to your favor of the 17th, I herewith submit the following list of the employers of this Department;

J. H. Fisher, Auditor.....	\$275.00
G. W. R. King, Deputy Auditor.....	225.00
Alex. May, Clerk.....	125.00
J. W. Vannatta, Clerk.....	100.00

Your very truly,

J. H. FISHER,  
Auditor, Territory of Hawaii.

There being no objection, the Communication was laid on the Table to be taken up for consideration with the Appropriation Bill.

A Communication (No. 15) from the Secretary of the Board of Health was read by the Clerk, as follows:

## TERRITORIAL BOARD OF HEALTH.

Honolulu, Hawaii, February 21, 1911.

John H. Wise, Esq.,  
Clerk of the Senate,  
Senate Chamber,  
Honolulu.

Dear Sir:

Complying with a recent Resolution adopted by the Senate and contained in your favor of the 17th inst., I beg to hand you herewith a list of the employees of this Department, the salaries received and their length of service with the Board.

Trusting this will be the information you desire, I beg to remain.

Very respectfully,

K. B. PORTER,  
Secretary, Territorial Board of Health.

The Communication was received and placed on file, and the accompanying statistics were laid on the Table to be considered with the Appropriation Bill.

A Communication from the House of Representatives (No. 6) was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:

I have the honor to transmit herewith House Concurrent Resolution No. 2, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

## HOUSE CONCURRENT RESOLUTION NO. 2.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII, THE SENATE CONCURRING:

That the Congress of the United States is hereby respect-

fully requested to amend the Organic Act of the Territory of Hawaii so as to enable the Territory to provide a homestead from the public lands and to erect suitable buildings thereon, free of charge, for each person discharged as cured of leprosy from Kalihi or from the Molokai Settlement; and

BE IT FURTHER RESOLVED, That certified copies of this Resolution be sent to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, and to the Delegate of the Territory of Hawaii to Congress.

GEO. P. COOKE,  
Rep. 3rd District.

Honolulu, T. H., Feb. 20th, 1911.

The Communication was received and placed on file, and the accompanying Concurrent Resolution was referred to the Judiciary Committee.

Senator J. T. Brown of the Printing Committee presented a Report (No. 5) stating that Senate Bills Nos. 13 and 15 were printed and ready for distribution.

The Report of the Committee was adopted.

Senator J. T. Brown of the Printing Committee presented a Report (No. 6) stating that Senate Bill no. 22 was printed and ready for distribution.

The Report of the Committee was adopted.

Senator Fairchild presented a Concurrent Resolution (No. 4), asking for the appointment of a Joint Committee of five from each House to investigate and report on the revenues of the Territory.

#### CONCURRENT RESOLUTION.

WHEREAS, with each Session of the Legislature there is an ever increasing demand, out of proportion to the increase in revenue, for appropriations for a greater advance in the practical and more efficient education of our youth, for the relief and prevention of sickness, poverty and disease among the inhabitants of the Territory, for constructing much needed school houses, hospitals for the sick, asylums for the unfortunate, and providing increased comfort and relief to the afflicted on Molokai, and for a systematic and effective campaign against tuberculosis and mosquitoes, etc., etc.; and

WHEREAS, the present bonded debt of the Territory is already so large that during the present biennial period of the total appropriations of \$2,828,031, the sum of \$332,500 or nearly twelve per cent., was required for interest alone, and the sum of \$51,203.16 for sinking fund charges; and

WHEREAS, the tax on real and personal property is already high due to the extreme valuations placed on such property which when coupled with an income tax of 4% makes the burden of taxation such that those upon whom it chiefly falls seriously object to any increase at this time; and

WHEREAS, it is necessary in the interest of health and education to devise adequate ways and means to meet the pressing needs of the Territory now confronting the Legislature, as outlined in the Governor's Message and budget, and the bills and resolution introduced by members of this Legislature; and

WHEREAS, large sums have been spent and are being spent to bring into the Territory settlers who will become citizens, and such a worthy object cannot be permitted to result in disappointment on account of a failure to adequately provide for the health and practical education of such immigrants;

NOW, THEREFORE, BE IT RESOLVED: That it is the sense of this Legislature that, before any increase in taxation is considered, every available source of revenue possessed by the Territory or any subdivision thereof, be carefully scrutinized with a view to determining whether or not it is yielding the highest amount of revenue possible, in order that our youth may be educated along such practical lines that they may become useful citizens, and that our afflicted on Molo-kai, and in the hospitals and asylums may be given every comfort and means of regaining their health; and that the health of those now well may be safeguarded and that substantial financial provision may be made for reclamation, and for the tuberculosis and mosquito campaigns in order not only to eradicate these great plagues, but also to protect this Territory against the threatened danger of even worse enemies to health;

AND BE IT FURTHER RESOLVED, That a Joint Committee of five be appointed from each House to examine into all sources of revenue possessed by the Government in order to ascertain and recommend what may be done to carry out the spirit and intent of this Resolution, before taking any steps to increase taxation, said Committee to report not later than the 15th of March, 1911.

GEO. H. FAIRCHILD,  
Senator 4th District.

Honolulu, February 21st, 1911.

Upon motion by Senator Baker, seconded by Senator Judd, the Clerk was instructed to prepare typewritten copies of the

Concurrent Resolution referred to, for the use of the members of the Senate.

Senator Fairchild presented a Report (No. 7) from the Ways and Means Committee, which was read by the Clerk, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 4, being an Act to amend Section 19 of Act 102 of the Session Laws of 1905 relating to the collection of Taxes on the estates of deceased persons, otherwise known as the Inheritance Tax beg leave to report thereon as follows:

The object of the Bill is to take away from the Treasury the use of all the money received under the provision of the so-called Inheritance Tax which now goes into the General Fund of Government realizations, and is used for general purposes by the government, and to convert same into a special or sinking fund to be applied as such for the purpose of helping to redeem the bonded indebtedness of the Territory.

As the receipts from this Act are included in the Governor's estimates of receipts for the coming fiscal period, we recommend that the further consideration of the Bill be deferred until such time as the several appropriation Bills and the Governor's message are under consideration by the Senate.

Dated, February 20, 1911.

GEO. H. FAIRCHILD,  
Chairman.

CECIL BROWN,  
JOHN T. BROWN,  
WM. T. ROBINSON,  
E. W. QUINN.

The Report of the Committee was adopted.

Senator Fairchild presented a Report (No. 8) from the Committee on Ways and Means, which was read by the Clerk, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 5, being an Act to amend Sections 5 and 6 of



Act 33 of the Session Laws of 1909, commonly known as the Conservation Act, have had same under consideration and report as follows:

The Bill seeks to make a new division of the money collected under this Act. The Act now provides, 3/4 goes for the purposes of encouraging immigration to the Territory, and the remaining quarter for the development, conservation, improvement and utilization of the natural resources of the Territory. This Act seeks to make an equal division of the receipts. It also seeks to continue the Act in force until Dec. 31st, 1921.

As the Act expires by limitation on the 31st day of December of this year, and as the matter covered by the Bill is of importance, we would recommend that the present consideration of the Bill be deferred until such time as other legislation on the same matter is introduced and is considered by this Body.

Dated, Honolulu, February 20, 1911.

GEO. H. FAIRCHILD,

Chairman.

CECIL BROWN,

JOHN T. BROWN,

HM. T. ROBINSON,

E. H. QUINN.

The Report of the Committee was adopted.

Senator Chillingworth introduced a Resolution (No. 13) which was read by the Clerk, as follows:

#### RESOLUTION.

WHEREAS, it has been customary heretofore that visits to the Leper Settlement were made towards the end of the sessions of the Legislature; and,

WHEREAS, upon such visits, many matters of needed legislation were found and should have received due and just consideration, but failed, primarily, for the reason that the proper time to legislate upon such matters had elapsed; and,

WHEREAS, the needs of the inmates of and the improvements needed at the Settlement should and ought to be one of the first charges upon the revenues of the Territory; and

THEREFORE, BE IT RESOLVED by the Senate that in order to enable the Legislature to secure direct information in due time for consideration and action during this Session of wants of the inmates at the Settlement and other legislation, required to improve conditions and promote the welfare at the Settlement as a whole, the Health Committee of the Senate is hereby directed and empowered and authorized to

arrange, make preparations and have full charge and control, on behalf of the Senate, of the visit to be made to the Leper Settlement, at Molokai, as soon as same can be satisfactorily arranged.

BE IT FURTHER RESOLVED that the Senate Health Committee, is hereby directed to confer with the Health Committee of the House and also is hereby authorized and empowered to take steps and make such joint arrangements as may be deemed advisable to carry into effect this resolution; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the House.

CHAS. F. CHILLINGWORTH,  
Senator 3rd District.

February 20th, 1911.

The Resolution was adopted.

Senator J. T. Brown of the Printing Committee presented a Report (No. 9) informing the Senate that Senate Bills Nos. 23 and 24 were printed and ready for distribution.

The Report of the Committee was adopted.

Senator Robinson gave notice of his intention to introduce a Bill entitled "An Act Making an Additional Appropriation for New Buildings and Furnishings for the Kapiolani Girls' Home."

Under suspension of the Rules, Senator Robinson introduced Senate Bill No. 28, entitled "An Act Making an Additional Appropriation for New Buildings and Furnishings for the Kapiolani Girls' Home."

Upon motion by Senator Robinson, seconded by Senator Makekau, the Bill passed First Reading by title, and was referred to the Printing Committee.

Second Reading of Senate Bill No. 13, entitled "An Act to Amend Sections 2331, 2342, 2337, 2343, of the Revised Laws of Hawaii, relating to sales of real Property by Guardians."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 15, entitled "An Act to Provide for the Sale of Property of Deceased Persons."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 22, entitled "An Act Making an Appropriation for the Current Expenses for the Biennial Period, ending June 30, 1913."

The Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 23, entitled "An Act to

Amend Sections 2, 3, 4 and 5 of Act 53 of the Session Laws of 1907, entitled 'An Act providing for the Witness Fees in Criminal Cases.' "

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 24, entitled "An Act Providing for the Construction of a New Wharf at the Mahukona Landing."

The Bill was referred to the Committee on Public Lands and Internal Improvements.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the President appointed a Committee of two consisting of the President of the Senate and the Chairman of the Committee on Accounts to look into the matter of having proper furnishings for the Senate Chamber.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Committee on Military was instructed and authorized to make fitting arrangements to visit the Leilehua Cavalry Post on Saturday morning, February 25th, 1911.

Senator Kaleiipu presented a petition (No. 1) from the Maka Estate which was read by the Clerk, as follows:

To the Honorable,

The Legislature of the Territory of Hawaii:

The petition of William R. Castle as Trustee and on behalf of the Estate of the Rev. R. Maka, late of Honolulu, deceased, and of the Board of the Hawaiian Evangelical Association of the Territory of Hawaii, respectfully represents to your Honorable Body as follows, to wit:

That the said R. Maka during his lifetime was entitled to the income, rents and profits of certain buildings and of a house lot situate on the West corner of Beretania and Smith Streets, in Honolulu, said property having belonged to Mrs. Kalau Maka, wife of the said Rev. R. Maka; that after the death of his said wife, and up to the 20th day of January, 1900, he was in receipt of an income from said property averaging about \$60 per month.

That on the 20th day of January, 1900, by reason of a fire started by the sanitary authorities of the Territory in the suppression of the bubonic plague then existing, all the buildings on said premises were destroyed, the rents derivable therefrom immediately ceasing; that the Government of the Republic of Hawaii decided to widen Beretania Street at that time and to straighten the lines of Smith Street, and that in the proceeding to make such widening and straightening a large slice was cut from the front of Beretania Street side

of said lot and a small fraction from the other side; that said Maka, believing in the improvement to be made in the streets, acquiesced in widening, and also agreed that the Government immediately take possession of the premises taken for the widening of said streets, upon the promise that he should be paid immediately thereafter for the value of the premises so taken.

Petitioner further shows that, no account of the delay caused by the constant procrastination of the Government in arriving at any settlement whatsoever, and because of the changed circumstances caused by the said fire (most of the Chinese having gone over to the Northwest side of the Nuuanu Stream), said Maka was unable to rent the remaining portion of said premises, and no revenue whatsoever was produced for a number of years, although he continued to pay taxes on the high valuation placed thereon by the Government; that the amount of land taken for said street-widenings also so decreased the size of the remainder of said lot that it was hardly large enough to put up good buildings, and, for that reason, it was difficult to make any arrangement with regard to leasing the same.

But your petitioner shows that after several years, to wit, on the 1st day of October, 1903, a lease of the ground was made to one Ching Ah Young, who was to erect a brick building, which, at the termination of the 25-year term of said lease, reverts to the property, and that since said period said rent has been paid to your petitioner on behalf of the owners of the property, and that therefrom has been deducted and paid regularly the taxes and assessments placed upon the property by the Government.

Your petitioner further shows that he was unable for a long time to come to any agreement with regard to the value of the premises taken, or the amount of loss sustained by the said Maka and the owners of said lot on account of the fire above mentioned; that it was agreed at one time that \$3000 would be a fair compensation, but there were no funds from which to pay the same, until finally your petitioner, with said Maka, feeling that no relief could be had from the Government—which was in the possession and enjoyment of said property—an appeal was made in the Legislature of 1907 asking for compensation, and that \$2,500 was promptly awarded and placed in the Appropriation Bill, but that said item was vetoed by George R. Carter, Esq., the Governor of the Territory at that time, apparently on the ground that said Maka probably owed money to W. R. Castle and it would therefore merely be paying his debt, without any reference whatsoever to the justice of the claim made by said Maka for compensation, and

that the Legislature failed to overcome the said veto and reinsert the said item.

And your petitioner further shows that from the said period to the present time he has been unable to arrive at any settlement with the Government, and that those entitled to the value of the premises, with interest, have been wrongfully deprived of their rights up to the present time.

Petitioner further shows that said Maka died about three years ago; that upon his death his life-estate was ended and the entire premises, under the Will of his said wife, Kalau Maka, reverts to the Hawaiian Board, to be used wholly for the benefit of missionary work; that therefore the said Hawaiian Board is today the owner of said property, but that the said Board, recognizing the wrong and injury done to said R. Maka, and in view of the poverty of his widow now surviving him, it has agreed that from the sum of \$2,500 there may be retained for the benefit of said widow \$1,000.

WHEREFORE, your petitioner, in trust as aforesaid, respectfully asks your Honorable Body to provide, through the Appropriation Bill, for the payment of not less than \$2,500.

Dated, Honolulu, February 20, 1911.

Respectfully submitted,

W. R. CASTLE,

Trustee, Maka Estate and for Hawaiian Board.

Upon motion by Senator Kaleiupu, seconded by Senator Makekau, the petition was referred to the Committee on Public Lands and Internal Improvements.

At 10:35 A. M., upon motion of Senator Quinn, seconded by Senator Makekau, the Senate stood adjourned until Thursday, February 23, 1911.

JOHN H. WISE,

Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,

President of the Senate.

## SEVENTH DAY.

Thursday, February 23, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment. After prayer by the Chaplain, the Roll was called showing all Senators present.

The Journal of the Sixth Day was read and approved.

A Communication from the Judiciary Department (No. 16) was read by the Clerk, as follows:

SUPREME COURT, TERRITORY OF HAWAII.  
Honolulu.

February 21, 1911.

Mr. John H. Wise,  
Clerk of Senate.

Dear Sir:—

Referring to your communication of the 17th inst., relative to a list of employees of the Judiciary Department drawing pay from the Territory, I beg to hand you herewith such list. As soon as I hear from the Hilo District Magistrate and Circuit Courts outside of Honolulu, I will add to this list the names I am to get from them.

Faithfully yours,

HENRY SMITH,  
Clerk, Judiciary Department.

The Communication was received and placed on file, and the accompanying Statistics were laid on the Table to be taken up for consideration with the Appropriation Bill.

A Communication (No. 7) from the House of Representatives transmitting House Bill No. 12 was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:

I have the honor to transmit herewith House Bill No. 12,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 12, entitled "An Act to Amend Section 1019 of the Revised Laws of Hawaii as Amended by Act 63 of the Session Laws of 1909, Relating to Vaccination."

The Bill passed First Reading by Title, and was referred to the Committee on Public Health.

A Communication from the House of Representatives (No. 8) transmitting House Bill No. 13, was read by the Clerk, as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:

I have the honor to transmit, herewith, House Bill No. 13, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 13, entitled "An Act to Amend Section 1, 4 and 5, and Repeal Section 2 of Act 45 of the Laws of 1909, Relating to Indeterminate Sentences."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication from the House of Representatives transmitting House Bill No. 16 was read by the Clerk, as follows: (No. 9).

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 16,  
which this day passed Third Reading in the House of Re-  
sentatives of the Territory of Hawaii.

Very Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 16, entitled "An Act Relat-  
ing to the Tenures of Public Officers."

The Bill passed First Reading by Title and was referred to  
the Judiciary Committee.

A Communication (No. 10) from the House of Representa-  
tives transmitting House Bill No. 18 was read by the Clerk, as  
follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 18,  
which this day passed Third Reading in the House of Re-  
presentatives of the Territory of Hawaii.

Very Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 18, entitled "An Act Re-  
lating to Forms for Use in the Several Courts of the Territory,  
Amending Section 1636 of the Revised Laws of Hawaii."



The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 11) from the House of Representatives transmitting House Bill No. 20, was read by the Clerk, as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., February 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 20, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 20, entitled "An Act to Repeal Section 55 of Act 118 of the Laws of 1907, Relating to City and County Inspectors of Election."

The Bill was referred to the Judiciary Committee.

Senator Judd presented a Petition (No. 2) which was read by the Clerk, as follows:

Honolulu, T. H., February 18, 1911.

Honorable A. F. Judd,  
Chairman, Senate Judiciary Committee,  
Honolulu, T. H.

Dear Sir:—

I take the liberty of asking for an increase of compensation during the ensuing biennial period for services to be rendered by me in my dual capacity as Clerk of the First Circuit Court and Registrar of the Court of Land Registration. At the last session of the Legislature there was appropriated for each of the Clerks of the First Circuit Court, to be appointed by each of the Judges of said Court, the monthly

salary of \$125.00, and at the same session the Land Registration Act was so amended that the duties of Judge of that Court were transferred to a Judge of the First Circuit Court to be appointed by the Chief Justice, and the duties of Registrar were transferred to the Clerk of the Judge so appointed, and although the salaries of the independent officers created under the Land Registration Act prior to amendment were discontinued, no additional compensation was provided for the officials upon whom the discharge of those duties devolved.

The amendment referred to took effect upon the 1st day of April, A. D. 1909, and the Third Judge of the First Circuit Court was appointed by the Chief Justice as Judge of the Court of Land Registration, and I was appointed by said Third Judge as Registrar of said Court. During the period of almost two years that has since elapsed I have discharged all of the duties of Registrar of said Land Registration Court, which the Registrar of said Court prior to the amendment referred to received a monthly salary of \$100.00. In the light of this experience I can truthfully say that the duties which I have been called upon to perform have more than doubled the work devolving upon me as Clerk of the First Circuit Court, in addition to which the work necessarily involved in the discharge of the duties of Registrar of the Land Registration Court is of an expert and technical character, which, in my judgment, entitles the official discharging those duties to compensation commensurate with the character and value of those services.

Very respectfully,

M. T. SIMONTON,  
Registrar Court of Land Registration.

The Petition was referred to the Committee on Ways and Means.

A Communication (No. 8) from the Civic Federation was read by the Clerk, as follows:

Honolulu, Hawaii, February 21, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Honolulu.

Dear Sir:—

At the last meeting of the Executive Committee of the Civic Federation, an earnest desire was expressed that the

members of this Committee, be enabled to keep in close touch with all measures coming up for consideration in the Legislature, a resolution was, therefore, adopted requesting the Secretary of the Federation to ask that copies of all bills might be given to the Chairman of the Legislative Subcommittee, Mr. C. H. Dickey. Will you kindly permit Mr. Dickey to receive a copy of all bills entered upon the calendar of the Senate?

Very respectfully,

P. M. POND,  
Secretary, Civic Federation.

No objection having been interposed, the request was granted and the Communication was placed on file.

A Communication (No. 9) from Wm. F. Kaae, Clerk of the County of Maui, submitting Reports from the heads of Departments of the County of Maui for the biennial period, ending December 31st, 1910, was read by the Clerk, and ordered placed on file; the Reports and data accompanying were referred to the Printing Committee.

Wailuku, Maui, February 21, 1911.

To the Honorable President and  
Members of the Senate  
of the Territory of Hawaii.

Gentlemen:—

I have the honor to hand you herewith copies of reports of the heads of departments of the County of Maui and that of the County Engineer for the biennial term ending December 31, 1910.

During the same period the Board of Supervisors of the County of Maui held meetings on eighty-five days; received and considered 779 communications, received and adopted 983 reports from the committees of the Board of Supervisors and the heads of departments of the County; presented and adopted 1720 resolutions for the allowance of claims against the County and other matters of public nature; received 62 bids under 27 lettings and entered into 30 contracts for public improvements and material and supplies for the various departments of the County; approved 55 bonds for County officials, County appointees and for contracts awarded for public works and supplies; caused the passage of 5 ordinances regulating sanitation and the sale of fish and other foods, etc.; established a County farm and sanitarium for the segregation of tubercular patients.

In closing, it is only proper to remark that the work of this

biennial period has been very satisfactory and efficient in all departments. This has been brought about in large measure by careful planning and systematic organization of the various departments at the beginning of the term. Each department was given definite and rigid powers and duties, was required to make careful estimates of its needs at the beginning of each semi-annual period, upon the basis of which appropriations were made. Further, the best of harmony has prevailed between the members of the Board of Supervisors and the several elective and appointive officers, which made possible the efficient execution of the work as planned.

Respectfully submitted,

WM. F. KAAE,  
County Clerk, County of Maui.

Senator Fairchild presented a Petition (No. 3) from the Kapaa homesteaders, praying for certain relief.

The Petition was referred to the Committee on Public Lands and Internal Improvements.

A Communication (No. 17) from the Department of Public Instruction, submitting lists of officers and employees of the Department, was read by the Clerk, as follows:

DEPARTMENT OF PUBLIC INSTRUCTION.

Honolulu, Hawaii, February 20, 1911.

Mr. John H. Wise,  
Clerk of the Senate,  
Honolulu.

Dear Sir:—

In compliance with the request of the Senate of the Territory of Hawaii, I beg to deliver herewith a complete list of all officers and employees, including their respective salaries, now connected with this Department of Public Instruction.

Very truly yours,

WILLIS T. POPE,  
Supt. of Public Instruction.

The Communication was received and placed on file, and the accompanying statistics were laid on the Table to be taken up for consideration with the Appropriation Bill.

Senator J. T. Brown presented a Report (No. 10) from the Printing Committee, stating that Senate Bills Nos. 21, 25, 26 and 27 were printed and ready for distribution.

The Report of the Committee was adopted and placed on file.

Senator Robinson introduced a Resolution (No. 14) asking that the sum of One Hundred Thousand Dollars (\$100,000.00) be inserted in the Appropriation Bill for the purpose of constructing a new wharf in Kahului Harbor, Maui, and to cover the cost of condemning the new Claudine Wharf in said harbor.

#### RESOLUTION.

WHEREAS, the growing commercial importance of Kahului Harbor, a seaport of this Territory, in the Island of Maui, demands that adequate facilities be provided for the proper handling of freight and passenger traffic under government supervision and control,—therefore

BE IT RESOLVED, That the sum of \$100,000.00 be inserted in the Appropriation Bill for the purpose of defraying all costs incidental and necessary to condemn the new Claudine Wharf and moorings in Kahului Harbor, Maui, now owned and controlled by the Kahului Railroad Company, Limited, whereby said wharf and moorings shall become the property of the Territory of Hawaii; and also to construct a new wharf in said harbor at which large vessels may dock and load or discharge freight and passengers.

WM. T. ROBINSON,  
Senator 2nd District.

Senate Chamber, Honolulu, Feb. 23, 1911.

The Resolution was referred to the Ways and Means Committee.

Senator Baker gave notice of his intention to introduce the following Bills:

1. "An Act for the Relief of John A. Cummins."
2. "An Act to Amend Section 1 of Act 31 of the Session Laws of 1905, Relating to Licenses for Dealers in Second-hand Goods."
3. "An Act to Provide a Hospital in the District of North Kohala, Island of Hawaii."

Under suspension of the rules, Senator Baker introduced Senate Bill No. 29, entitled "An Act for the Relief of John A. Cummins."

Upon motion by Senator Baker, seconded by Senator C. Brown, the Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Baker introduced Senate Bill No. 30, entitled "An Act to Amend Section 1 of Act 31 of

the Session Laws of 1905, Relating to Licenses for Dealers in Second-hand Goods."

Upon motion by Senator Baker, seconded by Senator Kalei-  
opu, the Bill passed First Reading by Title, and was referred  
to the Printing Committee.

Under suspension of the rules, Senator Baker introduced Sen-  
ate Bill No. 31, entitled "An Act to Provide a Hospital in the  
District of North Kohala, Island of Hawaii."

Upon motion by Senator Baker, seconded by Senator Pali,  
the Bill passed First Reading by title, and was referred to the  
Printing Committee.

Senator C. Brown gave notice of his intention to introduce  
the following Bills:

1. "An Act to Amend Act 118 of the Session Laws of 1907  
and Repeal Chapter 1 Thereof, Relating to Elections."

2. "An Act to Amend Act 39 of the Session Laws of 1905  
and to Repeal Chapter 2 Thereof, Relating to Elections."

Under suspension of the rules, Senator C. Brown introduced  
Senate Bill No. 32, entitled "An Act to Amend Act 118 of the  
Session Laws of 1907, and Repeal Chapter 1 Thereof, Relating  
to Elections."

Upon motion by Senator C. Brown, seconded by Senator Fair-  
child, the Bill passed First Reading by title, and was referred  
to the Printing Committee.

The rules being suspended, Senator C. Brown introduced Sen-  
ate Bill No. 33, entitled "An Act Amending Act 39 of the Ses-  
sion Laws of 1905 and Repealing Chapter 2 Thereof, Relating  
to Elections."

The Bill passed First Reading by title, and was referred to  
the Printing Committee.

Upon motion by Senator Fairchild, seconded by Senator Ka-  
lama, Senate Concurrent Resolution No. 4 was adopted.

Second Reading of Senate Bill No. 21, entitled "An Act to  
Provide for a Hospital in Each of the Districts of North and  
South Kona, Island of Hawaii."

The Bill was referred to the Committee on Public Health.

Second Reading of Senate Bill No. 25, entitled "An Act to  
Provide for the Publication of the Decisions of the United  
States District Court for Hawaii."

Upon motion by Senator Kaleiopu, seconded by Senator C.  
Brown, the Bill passed Second Reading, and was placed on the  
order of the day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 26, entitled "An Act to Authorize the Appointment of the Sanitary Commission of Honolulu, and to Appropriate Money for the Expenses of Such Commission."

The Bill was referred to the Committee on Public Health.

Second Reading of Senate Bill No. 27, entitled "An Act to Appropriate \$15,000.00 for the Purchase of Private Lands in North and South Kona, Island of Hawaii, for Homestead Purposes, and to Define the Area of Such Homesteads."

The Bill was referred to the Committee on Public Lands and Internal Improvements.

At this juncture, Senator Chillingworth reported verbally for the Committee on Military, that arrangements had been perfected for the Members of the Legislature to visit the different United States Army Posts and Fortifications on Saturday morning, February 25, 1911.

At 10:35 o'clock A. M. the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## EIGHTH DAY.

Friday, February 24, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Seventh Day was read, and approved as read.

A Communication (No. 12) from the House of Representatives, returning Senate Resolution No. 13, was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 23, 1911.

The Honorable President and  
Members of the Senate of  
Territory of Hawaii.

Gentlemen:—

I am directed by the Speaker and Members of the House of Representatives of the Territory of Hawaii to return herewith copy of Senate Resolution No. 13, together with communication transmitting same, as said Resolution has not been certified to by the proper officers of the Senate, and for the further reason that the House cannot act on same unless presented in form of a concurrent resolution.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was referred to the Chairman of the Health Committee.

A Communication (No. 13) from the House of Representatives, transmitting House Concurrent Resolution No. 4, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 13, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 4, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.



## HOUSE CONCURRENT RESOLUTION.

WHEREAS, the halls now occupied and used by the Senate and House of Representatives of the Territory of Hawaii are of historical as well as of present day interest both to visitors to, and inhabitants of the Territory, and it is fitting that they be set apart for and used only by the Legislature;

THEREFORE, BE IT RESOLVED by the Legislature of the Territory of Hawaii, that the present Senate Chamber and hall of the House of Representatives be set apart and kept solely for the use of the two legislative bodies, and the Superintendent of Public Works is hereby directed hereafter to so maintain them, and to provide adequate janitor service to keep them in proper condition at all times and open to public inspection. Provided, however, that the Governor may in his discretion permit the use of said rooms for public addresses on like occasions; for courts, pending the repairs to the Judiciary Building.

The Communication was received and placed on file, and House Concurrent Resolution No. 4 was referred to the Judiciary Committee.

A Communication (No. 10) from Mr. Sidney M. Ballou, Federal laws applying to names, was read by the Clerk as follows:

Honolulu, February 23, 1911.

Hon. Eric A. Knudsen,  
President of the Senate,  
Honolulu.

Dear Sir:—

I see by the newspapers that a concurrent resolution has been passed by the House, requesting the Secretary of the Navy to select and designate the name "Hawaii" for the next battleship to be added to the Navy of the United States.

I deem it advisable to point out that it is not within the legal power of the Secretary to do this as under R. S., Sec. 1531, as amended by the Act of May 4, 1898, Ch. 234, (30 Stat. L. 390) and by Stat. L. 159, all first-class battleships must be named for the States until the names of the States shall have been exhausted. There are, however, only four States remaining on the list, Nevada, Oklahoma, Arizona and New Mexico, assuming the two latter will be soon admitted. The battleships authorized this year and next year will then ex-

haust the names of the States, after which Hawaii's claim may be properly presented.

Yours very truly,

SIDNEY M. BALLOU,  
Chairman, Honolulu Section Navy League.

The Communication was referred to the Judiciary Committee.

A Communication (No. 14) from the House of Representatives, transmitting House Concurrent Resolution No. 5, relating to apportionment of the Federal Appropriations, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES,

Honolulu, T. H., February 23, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 5, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION.

BE IT RESOLVED, by the House of Representatives of Legislature of the Territory of Hawaii of the Session of 1911, the Senate concurring:

That the Thirty Thousand Dollars (\$30,000.00) allowed by Act of Congress for the use of the Legislature, be and the same is hereby appropriated as follows:

For the Senate Ten Thousand Dollars (\$10,000.00), and for the use of the House of Representatives, Twenty Thousand Dollars (\$20,000.00).

RESOLVED FURTHER, That the Secretary of the Territory of Hawaii be furnished with a certified copy of this Resolution.

INTRODUCED BY THE JUDICIARY COMMITTEE.  
February 23, 1911.

The Communication was received and placed on file, and House Concurrent Resolution No. 5 was referred to the Committee on Accounts.

A Communication (No. 15) from the House of Representatives, transmitting House Joint Resolution No. 1, relating to the appointment of a Commission to report ways and means for an Hawaiian exhibit at the Panama-Pacific Exposition, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 23, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Joint Resolution No. 1, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

#### HOUSE JOINT RESOLUTION.

BE IT RESOLVED, by the Senate and House of Representatives of the Legislature of Hawaii,

That His Excellency the Governor be and is hereby requested to appoint within thirty days from the adjournment of this body, a commission of five members, to consist of one member from each of the following counties: Hawaii, Maui, and Kauai, and of two members from the City and County of Honolulu, to report to the Governor of the Territory and the Legislature of 1913 suggestions, plans, and ways and means for an Hawaiian exhibit at the Panama-Pacific Exposition to be held at San Francisco, California, in the year 1915.

ED TOWSE,  
Representative 4th District.

Honolulu, T. H.,  
February 15, 1911.

The Communication was received and placed on file.

Consideration of House Joint Resolution No. 1:

Upon motion by Senator Hewitt, seconded by Senator Kalei-  
opu, House Joint Resolution No. 1 passed First Reading and  
was placed on the order of the day for tomorrow for Second  
Reading.

Senator J. T. Brown presented Report (No. 11) from the  
Committee on Enrollment, Revision and Printing, stating that  
Senate Bill No. 28 was printed and ready for distribution.

The Report of the Committee was adopted and placed on file.

Third Reading of Senate Bill No. 25, entitled "An Act to  
Provide for the Publication of the Decisions of the United  
States District Court of Hawaii."

Upon motion by Senator Judd, seconded by Senator Baker,  
the Bill passed Third Reading on the following showing of  
Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-  
worth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau,  
Pali, Quinn, Robinson and President Knudsen. Total, 14.

Noes: None.

Confirmation of Election Inspectors in the Governor's Mes-  
sage No. 2.

Senator Hewitt moved that the list of election inspectors in  
the Governor's Message be tabled. Seconded by Senator Make-  
kau, and carried.

Senator J. T. Brown presented a Report (No. 12) from the  
Committee on Enrollment, Revision and Printing, stating that  
Senate Bills Nos. 29, 30 and 31 were printed and ready for  
distribution.

The Report of the Committee was adopted and placed on file.

Second Reading of Senate Bill No. 28, entitled "An Act  
Making an Additional Appropriation for New Buildings and  
Furnishings for the Kapiolani Girls' Home."

The Bill was referred to the Committee on Public Health.

Second Reading of Senate Bill No. 29, entitled "An Act for  
the Relief of John A. Cummins."

The Bill was referred to the Ways and Means Committee.

Second Reading of Senate Bill No. 30, entitled "An Act to  
Amend Section 1 of Act 31 of the Session Laws of 1905, Relat-  
ing to Licenses for Dealers in Second-hand Goods."

The Bill was referred to the Ways and Means Committee.

Second Reading of Senate Bill No. 31, entitled "An Act to

Provide a Hospital in the District of North Kohala, Island of Hawaii."

Senator Makekau moved that the Bill be referred to a Special Committee consisting of the Members from Hawaii. Seconded by Senator Hewitt, and carried.

Under suspension of the rules, Senator C. Brown introduced a Bill (S. B. No. 34), entitled "An Act to Amend Section 2592 of the Revised Laws of 1905, and as Further Amended by Act 138 of the Session Laws of 1907, Relating to Banking Corporations."

Upon motion of Senator C. Brown, seconded by Senator Makekau, the Bill passed First Reading by title and was referred to the Printing Committee.

Senator Judd presented a Report (No. 13) from the Judiciary Committee on Senate Concurrent Resolution No. 2, which was read by the Clerk as follows:

#### REPORT ON CONCURRENT RESOLUTION NO. 2.

To the President of the Senate:

Your Judiciary Committee, to whom was referred Concurrent Resolution No. 2, begs leave to report as follows:

After full consideration of this Resolution, and a thorough discussion of the subject matter thereof by the members of the Committee, it is the sense of the Committee that the Resolution should be amended by inserting, after "November, 1909," in line 16, the following, to-wit:

"and as an appendix, the Organic Act of the Territory  
"as amended, with such annotations to each section there-  
"of as the Secretary shall deem desirable."

With the addition of this amendment your Committee recommends this Resolution for adoption.

Respectfully submitted,

JUDICIARY COMMITTEE,  
ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

Dated, Honolulu, Hawaii,  
February 24, 1911.

The Report of the Committee was adopted.

A Communication (No. 16) from the House of Representatives, transmitting House Bill No. 15, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 15, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 15, entitled "An Act to Repeal Chapter 50 of the Revised Laws Relating to Road Supervisors and Road Boards."

Upon motion by Senator Quinn, seconded by Senator Pali, the Bill passed First Reading by Title, and was placed on the order of the day for tomorrow for Second Reading.

A Communication (No. 17) from the House of Representatives, transmitting House Bill No. 14, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 14, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 14, entitled "An Act to Provide for the Payment of a Certain Judgment for the Sum of Fifteen Thousand Dollars (\$15,000.00), together with interest thereon, rendered by the Supreme Court of the Territory in favor of Frederick J. Lowrey, George P. Castle and William O. Smith, Trustees, against the Territory."

The Bill passed First Reading by title and was placed on the order of the day for tomorrow for Second Reading.

A Communication (No. 18) from the House of Representatives, transmitting House Bill No. 38, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 38, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 38, entitled "An Act Making an Additional Appropriation for Current Expenses for the Biennial Period, ending June 30, 1911."

The Bill passed First Reading by title and was placed on the order of the day for tomorrow for Second Reading.

Senator Makekau moved that the Clerk be instructed to furnish the Members of the Senate with typewritten copies of all Resolutions and Concurrent Resolutions from both Houses, seconded by Senator Kaleiopu and carried.

At 10:45 o'clock Senator Judd moved to take a recess subject to the call of the Chair, seconded by Senator C. Brown and carried.

The Senate reconvened at 10:55 A. M.

A Communication (No. 19) from the House of Representatives, transmitting House Bill No. 42, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 42, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 42, entitled "An Act to Provide for Financial Reports of the City and County of Honolulu, and the Several Counties."

The Bill passed First Reading by title and was placed on the order of the day for tomorrow for Second Reading.

Senator Judd presented a Report (No. 14) from the Judiciary Committee on Senate Concurrent Resolution No. 3, recommending the adoption of a substitute Resolution, which was read by the Clerk as follows:

REPORT ON CONCURRENT RESOLUTION NO. 3.

To the President of the Senate:

Your Judiciary Committee, to whom was referred Concurrent Resolution No. 3, begs leave to report as follows:

FINDINGS.

The premises in question are located on the makai side of King Street, opposite Smith Street, in the City of Honolulu, the total area being 22,231 square feet, with a frontage on King Street of 160.5 feet. A part of the premises, with a frontage of 99.5 feet, has upon it a two-story brick building erected at a



cost of \$15,000.00, the balance of the premises is an open lot without improvements.

Henry Smith, as Trustee under the Will of Richard Meek, deceased, for Mrs. Maud Stein, Richard Reuter, Eli Meek Crabbe, and Richard Meek, and The Dowsett Company, Limited, an Hawaiian Corporation, are the claimants to the land, relying on a deed of His Majesty Kamehameha III to John Meek, dated September 3, 1839. and recorded in the Office of the Registrar of Conveyances in Honolulu, in Liber 3, at page 192.

The predecessors in title and estate to the parties above named have been peaceably and openly in possession of said property since long prior to September 3, 1839, paying taxes thereon and all government charges assessed against said premises. The Kingdom of Hawaii for years occupied part of these premises for a Police Station, and paid rent for such use. The Government has also claimed a lien on these premises for sidewalks.

The said John Meek, after the execution of said deed by Kamehameha III to him, as aforesaid, did, on or about May 22, 1847, within the time prescribed by law, present his claim for a Land Commission Award thereon to the then Board of Land Commissioners.

The original application of John Meek, covering this land, and which was presented to the Land Commission, has been exhibited to this Committee.

It appears by the records in the Department of Public Lands that upon the presentation of the claim of said Meek based upon said deed as aforesaid, said Commission caused said deed to be acknowledged by His Majesty Kamehameha III, on or about November 24, 1847, and said deed so acknowledged as aforesaid was filed with said Commissioners, together with a survey of said land in said deed described.

It appears inferentially from the case of Jones vs. Meek, 2 Hawaiian Reports, 9, that a Land Commission Award was not granted upon said claim of said Meek for the reason that he was advised by said Land Commission that an award thereon was unnecessary; that "they could give him no better title than he already had."

Apparently Meek acted upon the advice of the Board, the presiding officer of which was then Chief Justice Lee, and withdrew his claim for an award to the land in said deed described.

In order to prevent future possible litigation, the parties hereinbefore named, being the successors in title and estate to the said John Meek, are desirous of obtaining from the Territory, through the Governor and Superintendent of Public Works thereof, a quit-claim deed of any title the said Terri-

tory may have in said land by reason of the failure of the said John Meek to obtain a Land Commission Award therefor, in pursuance of the provision of Revised Laws, Sections 254 and 276.

### CONCLUSIONS.

While the Committee feels that the Senate should not presume to advise or attempt to influence the Governor in this matter, which is a matter wholly within his discretion whether he issues such a quit-claim or not, still after a careful investigation of the facts, it is felt that all of the equities in this case lie with Henry Smith, Trustee, and The Dowsett Company, Limited.

If the existing law permitted the Legislature to legislate in matters of this kind, this Committee would recommend remedial legislation.

The Committee recommends for adoption the Resolution herewith submitted, which modifies the original Resolution in conformity with this report, in place of and as a substitute for Concurrent Resolution No. 3 as it now stands.

Three copies of claimants' briefs are filed with this Report.

Respectfully submitted,

### JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii,

February 24, 1911.

### CONCURRENT RESOLUTION NO. 3.

WHEREAS, Henry Smith, as Trustee under the Will of Richard Meek, deceased, for Mrs. Maud Stein, Richard Reuter, Eli Meek Crabbe and Richard Meek, is the owner of a part or portion of the land set forth and described in deed of His Majesty Kamehameha III to John Meek, dated September 3, 1839, recorded in the Office of the Registrar of Conveyances in Liber 3, at page 192, and The Dowsett Company, Limited, an Hawaiian Corporation, is the claimant of the remainder thereof; and

WHEREAS, the predecessors in title and estate of the parties above named have been peaceably and openly in possession of said property since long prior to September 3, 1839,

paying taxes thereon and all government charges assessed against said premises; and

WHEREAS, the said John Meek, after the execution of said deed by Kamehameha III to him as aforesaid did within the time prescribed by law present his claim for a Land Commission Award thereon to the then Board of Land Commissioners; and

WHEREAS, it appears by the records in the Department of Public Lands that upon the presentation of the claim of said Meek based upon said deed as aforesaid, said Commission caused said deed to be acknowledged by His Majesty Kamehameha III and said deed so acknowledged as aforesaid was filed with said commissioners, together with a survey of said land in said deed described; and

WHEREAS, it appears inferentially from the case of Jones vs. Meek, 2 Hawaiian Reports, 9, that a Land Commission Award was not granted upon said claim of said Meek for the reason that he was advised by said Land Commission that an award thereon was unnecessary; that "they could give him no better title than he already had;" and

WHEREAS, the said Meek did act upon the advice of said Board so given as aforesaid and did withdraw his claim for an award to the land in said deed described; and

WHEREAS, in order to prevent future possible litigation, the parties hereinbefore named, being the successors in title and estate to the said John Meek are desirous of obtaining from the Territory, through the Governor and Superintendent of Public Works thereof, a quit-claim deed of any title the said Territory may have in said land by reason of the failure of the said John Meek to obtain a Land Commission Award therefor, in pursuance of the provisions of Revised Laws, Sections 254 and 276:

NOW, THEREFORE, BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives concurring, That it is the sense of the Senate and House of Representatives, after a careful investigation of the facts, that all the equities in this case lie with Henry Smith, Trustee, and The Dowsett Company, Limited; but it is also the sense of the Senate and House of Representatives that the Legislature should not presume to advise or attempt to influence the action of the Governor of Hawaii in the matter of this quit-claim deed, it being a matter which, under the law, lies wholly in his discretion.

#### EXHIBIT "A."

**Brief Statement of Facts and Argument in Re Claim of Henry Smith, Trustee for Mrs. Maud Stein, Richard Reuter, Eli**

**Meek Crabbe and Richard Meek, and the Dowsett Company, Limited, to Have Their Title Perfected in Premises Conveyed by His Majesty Kamehameha III to John Meek, by Deed Dated September 3, 1839.**

The premises in question are located on the makai side of King Street, opposite Smith Street, and contain a total area of 22,231 square feet, there being a frontage on King Street of 160.5 feet. That portion of the property claimed by Henry Smith, as Trustee, has now and for many years last past has had substantial and costly brick buildings thereon erected, rented by the said Henry Smith, as Trustee, to various tenants, the cost of such improvements being approximately \$15,000.00. The remainder of the premises, to-wit, a frontage on said King Street of 61 feet, is claimed by The Dowsett Company, Limited. This latter piece of land is at present unoccupied, The Dowsett Company, Limited, being unable to lease the same for any extended period because of the claims made thereto by the Territorial Government. The whole of the land in question was conveyed by His Majesty Kamehameha III to John Meek by deed dated September 3, 1839, attested by His Majesty's then Minister, Kakauluohi, and acknowledged on the 24th day of November, 1847. The claim of John Meek, based upon this deed, was duly filed with the Land Commission on or about May 22, 1847, together with a survey of the property claimed. The original records of the Land Office show that the claim was filed, the same being No. 591, Part 1, and that at the time of such filing no direct action was taken thereon by the Commissioners, the record showing that it was "reserved to be taken to the King for his acknowledgement." The record further shows that on the 24th day of November, 1847, the deed in question was taken to the King, who acknowledged the same and directed that the Commissioners take the necessary steps to perfect the title of John Meek to the land in said deed described. Thus we find John Meek complying in all respects with the law which required a presentation of claims to land within the Kingdom of Hawaii to be presented to the Board of Land Commissioners. The record of the Land Department discloses no objection filed to the claim of John Meek or any action by the Commissioners thereon, except the word "withdrawn" is written in an unknown hand in the margin of the record against said claim. An explanation of this action by John Meek is found in the decision of the Supreme Court of Hawaii in the case of Jones vs. Meek, 2nd Hawaiian, page 12, where Judge Robertson, in delivering the opinion of the court, says as follows:

"The defendant HAS PROVED that in May, 1847, he presented his deed dated the 3rd day of September, 1839, to the Land

Commission, together with a survey of his lot which he had procured to be made by Mr. Metcalf, on which survey defendant had a memorandum made to the effect that his lot had the privilege of a road twenty-five feet wide over plaintiff's land, and that some time afterwards the Commissioners gave him leave to withdraw his papers, the President, Judge Lee, having told him that any action of the Board upon his claim was unnecessary, as they could give him no better title than he already possessed under his grant from the King and Premier."

In the case above referred to it was sought to obtain a deposition from Judge Lee, President of the Board of Land Commissioners, upon this very matter, he being then out of the country. To obviate taking such deposition, counsel for the parties plaintiff and defendant filed in the Supreme Court, March 18, 1857, the following stipulation:

"SUPREME COURT.

"JONES vs. MEEK.

It is admitted on the part of the plaintiff that Judge Lee would swear if present and he is taken to have sworn that the defendant on or about the 2nd day of May, 1847, filed his claim before the Board of Land Commissioners accompanied by the deed and survey hereunto annexed with the view of obtaining a confirmation of his claim to the land embraced in said deed and survey, including the road in the said survey marked. That upon examination of the document so submitted, the Commissioners gave him leave to withdraw said claim on the ground that they could give him no better title than his documents conferred and that no action of the Board was necessary thereon and that he had better have his papers recorded, whereupon the defendant withdrew his said claim."

It is respectfully contended that the claimants' predecessor in title did all that the law required in so far as presenting his claim is concerned. He could not have compelled action by the Commissioners except by mandamus. He was advised by the Board that they could give him no better title than he had and further advised by said Board to record his deed, which he did. This is not the case of a claimant who has wilfully neglected to present his claim to the Board of Land Commissioners, or who, through inadvertence, has failed to make such presentation, but it is the case of a man who did everything that was possible for him to do in order to perfect his title and owing to official action by persons in authority has been prevented from having a title which would be perfect under the law. The claimants contend that the Governor and Superintendent of Public Works have in them vested the

power to quit-claim the Territory's interest in the land in question for the purpose of perfecting the title of the claimants and this is a case where the discretion vested in said officials should be used.

We further show, without fear of contradiction, that the claimants and their predecessors in title and estate have until within the last year paid all taxes and assessments levied against said property and that for a period of approximately seventy years no government of these islands has made any claim to any portion of said property. It seems inequitable and unjust after the lapse of this period of time, after the land has been conveyed and reconveyed by the alleged owners thereof to innocent parties who have paid valuable considerations therefor on the strength of the Meek title, and after the claimants have improved the property and built thereon buildings and structures costing large sums of money, that the Territorial Government should refuse to quit-claim its interests in said premises under the circumstances hereinbefore set forth, the officers of the Territory apparently taking the position that because John Meek, in the year 1847, complied with the suggestion of the Commissioners and recorded his deed instead of insisting upon an award, that neither he nor his successors in interest or estate have any interest in the said premises claimed. We contend that the discretionary power vested in the Governor and Superintendent of Public Works by Sections 254 and 276 of the Revised Laws was given to such officers for the express purpose of meeting just such a state of affairs as is here presented where according to the strict letter of the law the claimants have a questionable title, but where in equity and common fairness they have rights that should be respected and acknowledged to a sufficient extent to warrant the proper officers of the Territory quit-claiming to such claimants the interest of the Territory in such property. This discretionary power to perfect titles given to the Governor and Superintendent of Public Works, as hereinbefore stated, has been often exercised in the past, as the following cases will show:

"Honolulu, T. H., Oct. 12th, 1910.

Dear Sir:—

I have made for your consideration, memorandum of sundry cases in which the Government has heretofore perfected the titles to land held under imperfect titles, and where the legal title was in the Government:

1. Quit-claim deed to J. H. Wood

Dated ..... Area 96 acres, Nuuanu.

Consideration \$1.00.

2. Grant 3235 to Theo. H. Davies.  
Date 1879. Residence lot, Nuuanu.  
Area 4 58/100 acres. Consideration \$1.00.
3. Grant 3249, H. McIntyre.  
Date 1880. Lot, Nuuanu.  
515/1000 acres. Consideration \$1.00.
4. Grant 3250, C. Brenig.  
Date 1880. Lot, Nuuanu.  
63/100 acres. Consideration \$1.00.
5. Grant 4005, M. Kekuanaoa.  
Date 1897. Lot, Nuuanu St.  
41/100 acres. Consideration \$260.00.
6. Grant 4336, M. Kekuanaoa.  
July, 1899. Lot on Queen St.  
2020 sq. ft. Consideration \$57.00.
7. Quit-claim deed, Territory of Hawaii to F. Leslie.  
October 16th, 1900.  
341 sq. ft. Consideration \$425.00.
8. Quit-claim deed, Territory of Hawaii to M. Kekuanaoa.  
Oct. 6th, 1902. Lot, King St.  
Consideration \$1.00.

I would note as to above that Numbers 1, 5, 6 and 7 were sold by Kekuanaoa to sundry parties in early days without, so far as I have ever been able to find, any show or color of title. No. 8 was sold by Kekuanaoa from land which evidence before Land Commission showed to be his, but which by mistake or oversight was not awarded to him. I am not familiar with the full history of Nos. 2, 3 and 4, but know that they were unawarded lands occupied by private parties.

Yours very truly,

(S) J. F. BROWN."

In addition to the foregoing, it is claimed by Henry Smith, as Trustee for the parties hereinbefore named, that as a part or portion of the premises in question was occupied by the Government of Hawaii as and for a Police Station, and that the then Government of Hawaii recognized the title in the persons claiming under the Meek deed by paying rent to such claimants, and that at one time the Government claimed a lien upon a portion of the property in question because of sidewalks which were constructed in front of said premises, in this way also acknowledging the title of the claimants in said property.

The claimants stand ready to present the necessary proofs of all the matters and things set forth in the foregoing statement and would be glad of an opportunity to substantiate their

claims before such Committee of the Senate or House as may be appointed to investigate the same.

Dated, Honolulu, February 16th, 1911.

Respectfully submitted,

HENRY SMITH,

Trustee for Maud Stein, Richard Reuter, Eli Meek Crabbe and Richard Meek.

THE DOWSETT COMPANY, LIMITED,

By its President—J. R. GALT.

By its Treasurer, L. ABRAMS.

Senator Chillingworth moved that the Report of the Committee be adopted. Seconded by Senator C. Brown, and carried.

Senator Fairchild presented a Report (No. 15) of the Ways and Means Committee on Senate Resolution No. 11, which was read by the Clerk as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means beg leave to report on Resolution No. 11, introduced by the Senior Senator from the Third Senatorial District as follows:

The intent of the Resolution is to obtain the sum of Twenty Thousand Dollars for the purpose of purchasing from the Kapiolani Estate, Limited, a surrender of the existing lease which expires August 15th, 1912, in order to facilitate and expedite the project of the Territorial Government whereby it is intended that fee simple title may be obtained by the subtenants of the Kapiolani Estate as provided by the recent amendment to the Organic Act.

A list of rentals to be collected between the present time and that upon which the lease expires was submitted, and from such statement it appears that the rentals to accrue will be nearly \$12,000.00, all of which the government may reimburse itself should any delay be occasioned by reason of being unable to grant titles by reason of surveys and laying out of streets. It was also made to appear that certain tenants paid their rentals by doing work for the owners of the lease, otherwise known as Konohiki labor, a relic of ancient days. There were other equities claimed, such as the surrender and placing in the immediate possession of the government of certain tracts of unleased and unoccupied portions of the Ahupuaa of Auwailimu, (the name by which the whole of this land is known), as well as the release and quit-claim of any interest or



equity in the fee of the lands as well as the surrender of the lease.

Your committee recommends that a sum not to exceed Fifteen Thousand Dollars (\$15,000.00) be inserted instead of the sum of \$20,000.00.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

CECIL BROWN,  
E. W. QUINN,  
WM. T. ROBINSON,  
JOHN T. BROWN.

Honolulu, T. H., February 23, 1911.

Hon. Geo. H. Fairchild, Cecil Brown,  
Chas. F. Chillingworth, W. T. Robinson,  
E. W. Quinn and John T. Brown,  
Committee on Ways and Means of the  
Senate of 1911.

Gentlemen:—

Enclosed find a list that has been prepared from our Rent Roll Ledger showing the number of leases, names of lessees and amounts that are due and will be payable by our respective tenants of the land of Auwāiolimu from this date to August 15, 1912.

The figures show a total of \$11,736.91, add thereto the amount of \$852.00, the value of the Extension of the certain Leases marked x and adding again the value of the Konohiki Labor \$5070.00, will bring the grand total to \$17,658.91. This, however, does not include tenants who have already paid rent for their leases in full to August 15, 1912.

Yours very truly,

KAPIOLANI ESTATE, LIMITED,  
JOHN F. COLBURN,  
Treasurer.

**AMOUNTS PAYABLE BY AUWAIOLIMU TENANTS TO  
AUGUST 15, 1912.**

<b>Lease</b>	<b>1.</b>	<b>J. Gonsalves .....</b>	<b>33.75</b>
"	<b>3.</b>	<b>Alice Nicholson .....</b>	<b>70.80</b>
"	<b>4.</b>	<b>J. G. Jardin .....</b>	<b>23.52</b>
"	<b>5.</b>	<b>Louisa A. Jardin .....</b>	<b>25.20</b>
"	<b>6.</b>	<b>Virginia Santos .....</b>	<b>36.00</b>
"	<b>7.</b>	<b>Antone Luis .....</b>	<b>99.56</b>
"	<b>9.</b>	<b>Mary R. Freitas .....</b>	<b>54.72</b>
"	<b>10.</b>	<b>Senhorina de Madelra .....</b>	<b>72.90</b>
"	<b>12.</b>	<b>Adelaide Agular .....</b>	<b>33.75</b>
"	<b>13.</b>	<b>Rose Madeiros .....</b>	<b>40.35x</b>
"	<b>14.</b>	<b>J. F. deCosta .....</b>	<b>33.75</b>
"	<b>15.</b>	<b>Antonio de Rego .....</b>	<b>19.30</b>
"	<b>16.</b>	<b>M. C. Olivera .....</b>	<b>19.30</b>
"	<b>17.</b>	<b>Emilia R. de Rego .....</b>	<b>57.60</b>
"	<b>18.</b>	<b>Jose Caetano .....</b>	<b>72.40</b>
"	<b>19.</b>	<b>Joao de Silva Barabosa .....</b>	<b>25.83</b>
"	<b>20.</b>	<b>Joe Rapurs .....</b>	<b>39.70</b>
"	<b>22.</b>	<b>Jose Furtado Callasopa .....</b>	<b>51.12</b>
"	<b>23.</b>	<b>Herman G. Bechert .....</b>	<b>50.20x</b>
"	<b>24.</b>	<b>Mary G. Simoes .....</b>	<b>56.75</b>
"	<b>25.</b>	<b>Antone Rodrigues .....</b>	<b>127.50</b>
"	<b>26.</b>	<b>Jose Francisco de Costa .....</b>	<b>166.50</b>
"	<b>27.</b>	<b>John Jacobson .....</b>	<b>36.68</b>
"	<b>28.</b>	<b>Vincente Fernandez .....</b>	<b>48.92</b>
"	<b>30.</b>	<b>Antonio R. Pimento .....</b>	<b>51.55</b>
"	<b>33.</b>	<b>Frank Souza .....</b>	<b>29.73</b>
"	<b>34.</b>	<b>F. W. Waldron .....</b>	<b>277.50</b>
"	<b>35.</b>	<b>Antone Souza .....</b>	<b>22.50</b>
"	<b>36.</b>	<b>Jose de Ponte Pacheco .....</b>	<b>67.50</b>
"	<b>37.</b>	<b>Manuel Alves June .....</b>	<b>20.25</b>
"	<b>38.</b>	<b>Jacintho Tavares Netto .....</b>	<b>31.12</b>
"	<b>39.</b>	<b>Joseph Fernandez .....</b>	<b>102.00</b>
"	<b>40.</b>	<b>Frank J. Cavalho .....</b>	<b>34.87</b>
"	<b>41.</b>	<b>Antone J. Ferreiro .....</b>	<b>153.00</b>
"	<b>42.</b>	<b>A. G. da Silva .....</b>	<b>169.71</b>
"	<b>43.</b>	<b>I. F. W. Luddecks .....</b>	<b>18.36</b>
"	<b>44.</b>	<b>Jose Vieira .....</b>	<b>145.81</b>
"	<b>45.</b>	<b>Silverio Tavares .....</b>	<b>79.70</b>
"	<b>47.</b>	<b>Sam Manu .....</b>	<b>22.04</b>
"	<b>48.</b>	<b>Manuel Farias .....</b>	<b>74.75</b>
"	<b>49.</b>	<b>Estate Joseph Kaolulo .....</b>	<b>97.50</b>
"	<b>50.</b>	<b>Christian Ellenberg .....</b>	<b>21.78</b>
"	<b>51.</b>	<b>John Enos .....</b>	<b>36.90</b>
"	<b>52.</b>	<b>Joao de Andrade .....</b>	<b>52.71</b>
"	<b>53.</b>	<b>Mary Martins .....</b>	<b>41.40x</b>

"	54.	Antonio Martin .....	37.50
"	55.	Maria A. Rosa .....	41.60
"	57.	Joanna Maria Cravalho .....	52.00
"	58.	P. McInerny .....	42.68x
"	59.	J. A. R. Vieira .....	22.27
"	60.	Helen Freitas .....	58.44
"	61.	Joao Moniz .....	53.95
"	62.	Christina Rosa .....	23.25
"	64.	Freza da J. Jesuina .....	60.17x
"	65.	Francisco Pereira Brelhante .....	90.77
"	66.	Francisco Simao .....	18.90
"	67.	Joaquim P. Thome .....	75.00
"	68.	Manuel Araoje .....	33.75
"	70.	Januario de Souza .....	49.56
"	71.	Manuel P. Robello .....	21.87
"	72.	Antonio Santos .....	59.25
"	73.	Manuel Souza Nascimento .....	18.22
"	74.	John Souza .....	40.92x
"	76.	J. Gomes Faria .....	20.39
"	77.	John Correia Quintal .....	52.16
"	77A.	J. J. Drummond .....	52.16
"	79.	Jose Romano .....	69.48
"	80.	Rita Travens .....	39.75
"	81.	Jacinto Caetano .....	65.40
"	83.	C. Perreira .....	45.00x
"	84.	Joseph F. Smith, Trustee .....	56.25
"	85.	L. Rosa de Aguirara .....	27.00
"	86.	Nils Hagens .....	69.30
"	87.	J. P. Lino .....	48.00
"	88.	Manuel Freitas June .....	61.50
"	90.	Teni Kawasaki .....	47.70
"	91.	Frank J. Lemas .....	88.75
"	93.	Alberto de Santos .....	33.75
"	94.	Antone Silva .....	23.25
"	95.	Chas. W. Booth .....	68.30
"	96.	Sophia Lando Carreiro .....	36.27
"	98.	Jose de Mello .....	38.75
"	99.	Manoel Tavares Costa .....	48.96
"	100.	Ellen Todd Nelson .....	37.75
"	102.	Alexandria Phillips .....	32.25
"	103.	Rita Pereira .....	33.00
"	104.	Maria Rolinhos .....	42.80
"	105.	Olif Tollefsen .....	19.50x
"	106.	Maria Enos .....	34.50
"	107.	M. R. A. Vieira .....	170.66
"	108.	M. R. A. Vieira .....	79.25
"	111.	Joaquin Silva .....	147.00
"	112.	Francisco Correia .....	111.57

" 113	Antone Silva .....	118.80
" 114	G. Muller .....	59.40x
" 115	J. Vierra Branco .....	92.88
" 118	Maria Glorias da Silva .....	17.55x
" 120	Joe Madeiros Rapos .....	40.14
" 122	Ludivina J. Paschoal .....	5.91
" 123	Manoel Gomes Freitas .....	37.89
" 124	A. J. Freitas .....	73.35
" 125	Maria Gouveia .....	45.00
" 126	Joao C. Grilho .....	50.00
" 127	Cozy Moniz .....	48.00
" 128	J. Moniz Medro .....	31.05
" 129	G. Kawasaki .....	14.04
" 130	J. J. Madeiros .....	136.50
" 131	Vicente de Freitas .....	47.75x
" 133	Antone Pinto .....	48.90x
" 134	Levi Opupele .....	34.25

Senator Chillingworth moved that the report of the Committee be tabled to be taken up for consideration with the Appropriation Bill. Seconded by Senator Kalama, and carried.

At 11:15 A. M., upon motion of Senator Chillingworth, seconded by Senator C. Brown, the Senate adjourned until 8:15 tomorrow morning, February 25th, 1911.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## NINTH DAY.

Saturday, February 25, 1911.

The Senate met at 8:15 o'clock A. M., pursuant to adjournment.

The Roll was called, showing Senators Makekau, Kalama and Quinn absent.

The Journal of the Eighth Day was read and approved.

A Communication (No. 20) from the House of Representatives was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Resolution No. 4, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 21) from the House of Representatives was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that, in accordance with the adoption by the House of Senate Concurrent Resolution No. 4, the Speaker of the House has this day appointed the following to act with a like committee of the Senate:

Representatives Rice, Makekau, Watkins, Williamson and Cooke.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 22) from the House of Representatives, transmitting House Bill No. 17, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 25, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 17, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 17, entitled "An Act Relating to Terms of the Second and Fourth Circuit Courts, Amending Section 1644 of the Revised Laws of Hawaii, as Amended by Act 34 of the Laws of 1905 and Act 50 of the Laws of 1907."

The Bill passed First Reading by title and was referred to the Judiciary Committee.

Second Reading of House Bill No. 14, entitled "An Act to Provide for the Payment of a Certain Judgment for the Sum of Fifteen Thousand Dollars (\$15,000.00) Together with Interest Thereon, Returned by the Supreme Court of said Territory in favor of Frederick J. Lowrey, George P. Castle and William O. Smith, Trustees, Against the Territory of Hawaii."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Second Reading and was placed on the order of the day for Monday, February 27, 1911, for Third Reading.

Second Reading of House Bill No. 15, entitled "An Act to Repeal Chapter 50 of the Revised Laws, Relating to Road Supervisors and Road Boards."

The Bill was referred to the Judiciary Committee.

Second Reading of House Bill No. 38, entitled "An Act Making an Additional Appropriation for Current Expenses for the Biennial Period Ending June 30, 1911."

The Bill was referred to the Committee on Public Health.

Second Reading of House Bill No. 42, entitled "An Act to Provide for Financial Reports of the City and County of Honolulu, and the Several Counties."

The Bill was referred to the Judiciary Committee.

A Communication (No. 23) from the House of Representatives, transmitting House Bill No. 27, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 27, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 27, entitled "An Act to Amend Section 69 of Chapter 7 of the Revised Laws of Hawaii, Relating to Elections."

Upon motion by Senator C. Brown, seconded by Senator Baker, the Bill passed First Reading by title, and was referred to the Judiciary Committee.

A Communication (No. 24) from the House of Representatives, transmitting House Bill No. 47, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 47,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
First Reading of House Bill No. 47, entitled "An Act to  
Provide for Service of Process Upon Counties."

The Bill passed First Reading by title and was referred to  
the Judiciary Committee.

A Communication (No. 25) from the House of Representa-  
tives, transmitting House Bill No. 66, was read by the Clerk  
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 66,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
First Reading of House Bill No. 66, entitled "An Act to



Amend Section 12a of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.' "

The Bill passed First Reading by title and was referred to a Special Committee, consisting of all the Senators from the Island of Hawaii.

Second Reading of House Joint Resolution No. 1.

Upon motion by Senator Fairchild, seconded by Senator C. Brown, House Joint Resolution No. 1 passed Second Reading, and was placed on the order of the day for tomorrow for Third Reading.

At 8:43 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## TENTH DAY.

Monday, February 27, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Quinn absent.

The Journal of the Ninth Day was read and approved.

A Communication (No. 18) from the Superintendent of Public Works was read by the Clerk as follows:

TERRITORY OF HAWAII.  
Department of Public Works.

Honolulu, February 24, 1911.

Sir:—

Will you kindly furnish me with a copy of every Bill introduced in the Senate, after the same is printed, and oblige,

Yours truly,

MARSTON CAMPBELL,  
Superintendent of Public Works.

John H. Wise, Esq.,  
Clerk of the Senate,  
Territory of Hawaii,  
Honolulu.

MC/BKD

The Communication was received and placed on file, and the request of the Superintendent of Public Works was referred to the Printing Committee with power to act.

Senator Judd presented a Petition (No. 4) from twenty-two residents of Houghtailing Road, asking for the laying of a four-inch water main on said road.

The Petition was referred to the Committee on Public Lands and Internal Improvements.

Senator Judd presented a Report from the Judiciary Committee (No. 16) on Senate Bill No. 6, recommending the passage of the Bill with one amendment.

To the President of the Senate:

Your Judiciary Committee, to whom was referred Senate Bill No. 6, "To Prohibit any Government Officer from Being Interested in any Contract or Agreement to which the Government is a Party," begs leave to report as follows:

After a full consideration of this Bill, and thorough discussion of the subject matter thereof, your Committee considers this a wise measure for the future, and desires to call attention to the fact that this Bill is not the result of any known malfeasance on the part of any Territorial or County Officer. There is an error in Line 2 of Section 2 of this Bill, the word "be" should be stricken out. With this change the Bill is in proper form, and your Committee recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,  
ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU.

Dated, Honolulu, Hawaii,  
February 27, 1911.

Upon motion by Senator Baker, seconded by Senator Pali, the Report of the Committee was adopted; the Bill passed Second Reading, and was placed on the order of the day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 17) from the Judiciary Committee on House Bill No. 13, recommending the passage of the Bill.

To the President of the Senate:

Your Judiciary Committee, to whom was referred House Bill No. 13, begs leave to report as follows:

#### FINDINGS.

The Bill has been in substance recommended by the Governor (page 38) in his first message to the Legislature. It is calculated by it to perfect the statute of 1909, regarding intermediate imprisonment, by removing one ambiguity, and by deleting one clause found to be impracticable, and by placing on the Warden, a paid official, the burden of a large amount of detail work which is now upon the Board of Prison Inspectors who serve without pay.

#### CONCLUSIONS.

After a full consideration of this Bill, and a thorough discussion of the subject matter your Committee urges the passage of this Act.

Respectfully submitted,

JUDICIARY COMMITTEE,  
ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

Dated, Honolulu, Hawaii,  
February 27, 1911.

Upon motion by Senator Makekau, seconded by Senator Fairchild, the Report of the Committee was adopted; the Bill passed Second Reading, and was placed on the order of the day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 18) from the Judiciary Committee on House Bill No. 16, recommending the passage of the Bill.

To the President of the Senate:

Your Judiciary Committee, to whom was referred House Bill No. 16, "Relating to Tenure of Public Officers," beg leave to report as follows:

## FINDINGS.

Section 1 of this Bill is simply declaratory of the law,

Section 2 of the Bill is a highly desirable provision.

It has happened in the past that certain Boards and Departments of the Government have been unable to transact necessary business because of the absence of members and officers thereof for long periods of time. This section will facilitate public business, and prevent and avoid the delays which have been experienced in the past.

## CONCLUSIONS.

After a full consideration of this Bill by the Committee and a thorough discussion of the subject matter thereof, your Committee recommends the passage of House Bill No. 16.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii,

February 27, 1911.

The Report of the Committee was received and placed on file, and upon motion by Senator Hewitt, seconded by Senator Robinson, the Bill was recommitted to the Judiciary Committee.

Senator Judd presented a Report (No. 19) from the Judiciary Committee on House Bill No. 18, recommending the passage of the Bill.

To the President of the Senate:

Your Judiciary Committee, to whom was referred House Bill No. 18, begs leave to report as follows:

## FINDINGS.

This Bill is calculated to enforce uniformity in Court Forms in all the Courts of the Territory. Heretofore these forms have been distributed free of charge. This Bill provides that such forms, may be sold, if printed at public expenses, at enough to cover their cost.

## CONCLUSIONS.

After a full consideration of this Bill by the Committee and a thorough discussion of the subject matter thereof, your Committee recommends the passage of House Bill No. 18.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii,

February 27, 1911.

The Report of the Committee was adopted, and upon motion by Senator Chillingworth, seconded by Senator Robinson, the Bill passed Second Reading, and was placed on the order of the day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 20) from the Judiciary Committee on House Bill No. 20, recommending the passage of the Bill.

To the President of the Senate:

Your Judiciary Committee, to whom was referred House Bill No. 20, begs leave to report as follows:

## FINDINGS.

This Bill seeks to repeal that part of the Municipal Act of the City and County of Honolulu, which provides for a set of election officers different from those appointed by the Governor for Legislative elections. The repeal of this section will avoid unnecessary confusion, in convenience, expense and duplication of election machinery.

## CONCLUSIONS.

After a full consideration of this Bill by your Committee and a thorough discussion of the subject matter thereof, your Committee recommends the passage of House Bill No. 20.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii,

February 27, 1911.

The Report of the Committee was adopted, and upon motion by Senator Baker, seconded by Senator Pali, the Bill passed Seconding Reading, and was placed on the order of the day for tomorrow for Third Reading.

Third Reading of House Bill No. 14, entitled "An Act to Provide for the Payment of a Certain Judgment for the Sum of Fifteen Thousand Dollars (\$15,000.00) Together with Interest Thereon, Rendered by the Supreme Court of Said Territory in Favor of Frederick J. Lowrey, George P. Castle and William O. Smith, Trustees, Against the Territory of Hawaii."

The Bill was read throughout, and upon motion by Senator Chillingworth, seconded by Senator Makekau, was referred to the Judiciary Committee.

Third Reading of House Joint Resolution No. 1.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, House Joint Resolution No. 1 passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

At 11:00 o'clock, upon motion of Senator Makekau, seconded by Senator Robinson, the Senate adjourned until 10:30 A. M., February 28, 1911.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## ELEVENTH DAY.

Tuesday, February 28, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called showing Senators Kaleiupu and Quinn absent.

The Journal of the Tenth Day was read and approved.

A Communication (No. 20) from Chas. T. Wilder, Assessor First Taxation Division, was read by the Clerk, as follows:

**OFFICE OF TAX ASSESSOR AND COLLECTOR.**

Honolulu. February 20, 1911.

John H. Wise, Esq.,  
Clerk of the Senate.

Dear Sir:—

I have the honor to acknowledge receipt of your communication of the 17th inst., in re a resolution adopted by the Senate requesting the head of each Territorial Department and Board to furnish the Senate with a list of employees in such department, and in reply I beg to state that such a list has been supplied by Hon. D. L. Conkling, Treasurer of the Territory, for this department.

Respectfully yours,

CHAS. T. WILDER,  
Assessor First Taxation Division,  
Territory of Hawaii.

The Communication was received and placed on file.

A Communication (No. 21) from Henry Smith, Clerk of the Juidciary Department, submitting personnel of the employees of the Second, Third and Fourth Circuit Courts, and the District of South Hilo, was read by the Clerk and laid on the table to be taken up for consideration with the Appropriation Bill.

A Communication (No. 26) from the House of Representatives, transmitting House Joint Resolution No. 4, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES**

Honolulu, T. H., February 27, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Joint Resolution

No. 4, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

HOUSE JOINT RESOLUTION NO. 4.

WHEREAS, the halls now occupied and used by the Senate and House of Representatives of the Territory of Hawaii are of historical as well as of present day interest both to visitors to, and inhabitants of the Territory, and it is fitting that they be set apart for and used only by the Legislature;

THEREFORE, BE IT RESOLVED by the Legislature of the Territory of Hawaii, that the present Senate Chamber and hall of the House of Representatives be set apart and kept solely for the use of the two legislative bodies, and the Superintendent of Public Works is hereby directed hereafter to so maintain them, and to provide adequate janitor service to keep them in proper condition at all times and open to public inspection. Provided, however, that the Governor may in his discretion permit the use of said rooms for public receptions tendered distinguished visitors to Hawaii, or for public addresses on like occasions; for courts, pending the repairs to the Judiciary Building.

The Resolution passed First Reading and was placed on the order of the day for tomorrow for Second Reading.

Senator Brown presented a Report (No. 21) from the Printing Committee, stating that Governor's Message No. 4 and Senate Bill No. 18 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator J. T. Brown presented a Report (No. 22) from the Printing Committee, stating that Senate Bills Nos. 32, 33 and 34 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Fairchild presented a Report (No. 23) from the Committee on Ways and Means, recommending that Petition No. 2 be tabled:

Hon. E. A. Knudsen,  
President of the Senate.

Dear Sir:—

Your Committee on Ways and Means to whom has been referred a letter labeled Petition No. 2 from the Registrar of



the Court of Land Registration praying for a raise in salary, has met with due consideration.

A request for an increase of compensation from an employee of any department should come from his superior officer.

Without going into the merits of the request, we recommend that the communication be tabled solely on account of its irregular introduction.

GEO. H. FAIRCHILD,

Chairman.

CECIL BROWN,

JOHN T. BROWN,

WM. T. ROBINSON.

The Report of the Committee was adopted, and Senate Petition No. 2 was tabled.

Senator Judd gave notice of his intention to introduce a Bill entitled "An Act to Provide for Writs of Error in Certain Instances in Criminal Cases."

Under suspension of the rules, Senator Judd introduced Senate Bill No. 35, entitled "An Act to Provide for Writs of Error in Certain Instances in Criminal Cases."

The Bill passed First Reading by title and was referred to the Printing Committee.

Senator Fairchild gave notice of his intention to introduce a Bill entitled "An Act Relating to Personal, Income and Property Taxes and the Disposition of the Proceeds Thereof, Amending Certain Laws and Repealing Others."

The rules being suspended, Senator Fairchild introduced Senate Bill No. 36, entitled "An Act Relating to Personal, Income and Property Taxes and the disposition of the Proceeds Thereof, Amending Certain Laws, and Repealing Others."

The Bill passed First Reading by title and was referred to the Printing Committee.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii, and to Appropriate Money to Make Said Chapter Effective."

The rules being suspended, Senator Chillingworth introduced Senate Bill No. 37, entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii, and to Appropriate Money to Make Said Chapter Effective."

The Bill passed First Reading by title and was referred to the Printing Committee.

Senator Baker gave notice of his intention to introduce a Bill entitled "An Act to Amend Act 152 of the Session Laws of 1909, Entitled 'An Act Relating to the Disposition of Fines and Costs and Bail Money in Certain Cases.'"

Under suspension of the rules, Senator Baker introduced Senate Bill No. 38, entitled "An Act to Amend Act 152 of the Session Laws of 1909, Entitled 'An Act Relating to the Disposition of Fines and Costs and Bail Money in Certain Cases.'"

The Bill passed First Reading by title and was referred to the Printing Committee.

Senator Makekau gave notice of his intention to introduce a Bill entitled "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Street Railroad, Electric Light and Power System in the District of South Hilo, Island of Hawaii."

Under suspension of the rules, Senator Makekau introduced Senate Bill No. 39, entitled "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Street Railroad, Electric Light and Power System in the District of South Hilo, Island of Hawaii."

The Bill passed First Reading by title and was referred to the Printing Committee.

Senator Chillingworth offered a Resolution (No. 15) which was read by the Clerk as follows:

#### RESOLUTION.

BE IT RESOLVED, that the Clerk of the Senate be, and he is hereby authorized and directed to proceed to compile the Journal of the Senate, Session of 1911, for which services he shall be allowed the following compensation:

For preparing the Original Copy of the Journal of the Senate to be filed with the Secretary of Hawaii, one copy thereof for the Printer, and one copy thereof for the Proof Reader, Seventy-five cents (\$.75) per typewritten page; such compensation to be in full for all compiling, indexing and clerical duties to be performed after the adjournment of the Legislature sine die; and

BE IT FURTHER RESOLVED, that the said Clerk of the Senate be and he is hereby authorized to hire such proof-reader or proof-readers as may be necessary to complete the publication of said Journal, whose compensation shall be

Seventeen and One-half Cents (\$.17½) per printed page; and

BE IT FURTHER RESOLVED, that the Committee on Accounts of the Senate be, and they are hereby directed to approve for payment, all bills for such services as aforesaid.

CHAS. F. CHILLINGWORTH,

Senator, 3rd District.

Senate Chamber, Feb. 28th, 1911.

The Resolution was adopted.

Senator Chillingworth offered a Resolution (No. 16) which was read by the Clerk, as follows:

#### RESOLUTION.

RESOLVED, that the Clerk of the Senate be and he is hereby directed to forthwith advertise for sealed tenders for the Printing and Binding of the Journal of the Senate, Session of 1911, such sealed tenders to be addressed to the President of the Senate and in accordance with specifications to be prepared by the Clerk of the Senate, with the approval of the said President of the Senate.

CHAS F. CHILLINGWORTH,

Senator, 3rd District.

Senate Chamber, Feb. 28th, 1911.

The Resolution was adopted.

Senator Robinson gave notice of his intention to introduce the following Bills:

1. "An Act to Amend Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, by Amending Sections 1418G and 1418H Thereof, and by Adding Thereto a New Section to be Known as 'Section 1418J.' "

2. "To Provide for the Payment of Interest on Amounts Due and Payable and Delinquent as Taxes or Assessments Upon Personal Property or Incomes, Water, Sewer or Any Other Taxes or Rates; to Fix the Rate of Interest Thereon and Repeal All Laws Now in Force Providing for Penalties Upon the Same so Far as the Imposition of Penalties Are Provided for."

3. "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii, Relating to Exemption on Personal and Property Taxes."

4. "An Act to Provide for the Medical Inspection of Public School Children in the Territory of Hawaii."

5. "An Act for the Relief of Persons Released from the Leper Settlement at Molokai."

6. "An Act to Amend Sub-division 4A of Section 9, Act 39 of the Session Laws of 1905, Relating to General Powers, Liabilities and Limitations of Counties as Amended by Act 100 of the Session Laws of 1909."

Third Reading of Senate Bill No. 6, entitled "An Act to Prohibit Any Government Officer from Being Interested in Any Contract or Agreement to Which the Government Is a Party."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Quinn and Kaleiopu.

Third Reading of House Bill No. 13, entitled "An Act to Amend Sections 1, 4 and 5, and Repeal Section 2 of Act 45 of the Laws of 1909, Relating to Indeterminate Sentences."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kaleiopu and Quinn.

Third Reading of House Bill No. 18, entitled "An Act Relating to Forms for Use in the Several Courts of the Territory of Hawaii, Amending Section 1636 of the Revised Laws of Hawaii."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kaleiopu and Quinn.

Third Reading of House Bill No. 20, entitled "An Act to Repeal Section 55 of Act 118 of the Laws of 1907, Relating to City and County Inspectors of Election."

The Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kaleiopu and Quinn.

A Communication (No. 11) from John W. Cathcart, City and County Attorney, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., February 28, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 55, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The request of the City and County Attorney was granted, and the Communication was received and placed on file.

A Communication (No. 27) from the House of Representatives, transmitting House Bill No. 55, was read by the Clerk as follows:

#### CITY AND COUNTY OF HONOLULU. LEGAL DEPARTMENT.

Honolulu, Hawaii, February 28, 1911.

To The Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Will you kindly direct that in future copies of all Bills relative to or affecting the City and County of Honolulu be sent directly to me.

And will you now kindly have furnished to my Clerk, Mr. Silva, copies of all such Bills at present pending, as I am desirous of collating them with House Bills of like character.

I am,

Very respectfully,

JNO. W. CATHCART,  
City and County Attorney of the  
City and County of Honolulu.

The Communication was received and placed on file.

First Reading of House Bill No. 55, entitled "An Act to Amend Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

The Bill passed First Reading by title and was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 18, entitled "An Act to Provide for the Maintenance of Public Schools."

Upon motion by Senator Chillingworth, consideration of the Bill was deferred to Friday, March 3rd, 1911, at 2 o'clock P. M., to be taken up in Committee of the Whole.

Second Reading of Senate Bill No. 32, entitled "An Act Amending Act 39 of the Session Laws of 1905 and Repealing Chapter 2 Thereof."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 33, entitled "An Act Amending Act 118 of the Session Laws of 1907, and Repealing Chapter XI Thereof."

The Bill was referred to the Judiciary Committee.

Second Reading of Senate Bill No. 34, entitled "An Act to Amend Section 2592 of the Revised Laws of Hawaii as Amended by Act 76 of the Session Laws of 1905 and as Further Amended by Act 138 of the Session Laws of 1907, Relating to Banking Corporations."

The Bill was referred to the Committee on Ways and Means.

At 11:22 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## TWELFTH DAY.

Wednesday, March 1, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senators Kaleiopu, Kalama and Robinson absent.

The Journal of the Eleventh Day was read and approved.

A Communication (No. 22) from the Secretary of the Territory, informing the Senate that the Governor had signed Joint Resolution No. 1, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., Feb. 28, 1911.

Honorable Eric A. Knudsen,  
President of the Senate, Legislature  
of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to notify your Honorable Body that the Governor has this day signed the following Joint Resolution:

House Joint Resolution No. 1, as Joint Resolution No. 1, Requesting the Governor of Hawaii to Appoint a Commission of Five Members to Report Ways and Means for a Hawaiian Exhibit at the Panama-Pacific Exposition in 1915.

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

JOINT RESOLUTION NO. 1.

BE IT RESOLVED by the House of Representatives and Senate of the Legislature of Hawaii:

That His Excellency the Governor be and is hereby requested to appoint, within thirty days from the adjournment of this Body, a Commission of five members to consist of one mem-

ber from each of the following counties: Hawaii, Maui and Kauai, and of two members from the City and County of Honolulu, to report to the Governor of the Territory and the Legislature of 1913 suggestions, plans and ways and means for a Hawaiian Exhibit at the Panama-Pacific Exposition to be held at San Francisco, California, in the year 1915.

A Communication (No. 23) from the Secretary of Hawaii, informing the Senate that the Governor had signed House Bills Nos. 13, 18 and 20, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 1, 1911.

Honorable Eric A. Knudsen,  
President of the Senate, Legislature  
of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to notify your Honorable Body that the Governor, on February 28, 1911, signed the following Bills:

House Bill No. 20, Act 3, entitled "An Act to Repeal Section 55 of Act 118 of the Laws of 1907, Relating to City and County Inspectors of Election;"

House Bill No. 18, Act 4, entitled "An Act Relating to Forms for Use in the Several Courts of the Territory, Amending Section 1636 of the Revised Laws of Hawaii:"

House Bill No. 13, Act 5, entitled "An Act to Amend Sections 1, 4 and 5 and Repeal Section 2 of Act 45 of the Laws of 1909, Relating to Indeterminate Sentences.

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Upon request of Senator Fairchild, the Committee on Ways and Means was given further time in which to report on Senate Bill No. 17 and House Bill No. 55.

Senator Judd presented a Report (No. 24) from the Judiciary Committee to which was referred House Concurrent Resolution No. 4, recommending the adoption of the Resolution with stated amendments:



REPORT ON HOUSE OF REPRESENTATIVES CONCURRENT RESOLUTION NO. 4.

To the Honorable E. A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Concurrent Resolution No. 4, of the House of Representatives, Requesting the Secretary of the Navy to select and designate the name "Hawaii" for the next Battleship to be added to the United States Navy, begs leave to report as follows:

It is not within the power of the Secretary of the Navy to grant the request set forth in the resolution, as under the Revised Statutes of the United States, Section 1531, as amended by Act of May 4, 1898, Chapter 234, (30 Statutes at Large 390) and by 35 Statutes at Large 159, all first class battleships must be named for the States until the names of the States shall have been exhausted. There are, however, only four States remaining on the list, Nevada, Oklahoma, Arizona and New Mexico, assuming that the two latter will soon be admitted. The battleships authorized this year and next year will then exhaust the names of the States, after which Hawaii's claim may properly receive consideration.

In view of this state of affairs your Committee recommends the following amendments to the resolution, to-wit:

1. Delete the last four words in the first preamble,

"now being constructed, and"

and insert in lieu thereof the words

"of the United States Navy, and."

2. Insert in the first resolve after the words

"United States"

the phrase

"after the provisions of Sections 1531 of the Revised Statutes of the United States, as amended, shall have been complied with."

With the foregoing amendments your Committee recommends that this Resolution be adopted.

Respectfully submitted,

JUDICIARY COMMITTEE,  
ALBERT JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

Dated, Honolulu, Hawaii, March 1, 1911.

The Report of the Committee was adopted.

Senator Judd presented a Report (No. 25) from the Judiciary Committee, to which was referred House Bill No. 16, recommending the passage of the Bill with stated amendments:

REPORT ON HOUSE BILL NO. 16.

To the Honorable E. A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom House Bill No. 16, Relating to Tenure of Public Officers, was referred with the suggestion that Section 2 thereof might be in conflict with Section 80 of the Organic Act, which prescribes that certain officers and members of boards of a public character that may be created by law may be removed by the Governor by and with the advice and consent of the Senate, begs leave to report as follows:

Your Committee finds in the Bill no such conflict with the Organic Act. The last sentence of the first paragraph of Section 80 of the Organic Act is as follows:

"All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose term of office shall be as provided by the laws of the Territory of Hawaii."

It will thus be seen that while the term of office of the officers enumerated in the first part of Section 80 is four years and therefore a matter which the Legislature of Hawaii cannot change, the term of office of "the commissioners of public instruction and the members of the said boards" is a matter which lies with the Legislature of Hawaii to change or amend from time to time as it sees fit. Section 2 of the bill under discussion is an attempt to shorten the term of office of certain appointive officers of the Territory. A failure to perform the duties of his office for a period of three months is to cause the term of office for which he was appointed to expire. This is in no way a removal of the officer appointed, but is an extinguishment of his term of office. In the judgment of your Committee such a law would not transcend any prerogative of the Senate under the Organic Act.

In order, however, that there may be no misunderstanding your Committee suggests that Section 2 of this Bill be amended by substituting for the phrase

**"Who is not removable at the pleasure of the appointing  
"officer or body"**

**the phrase**

**"whose term of office is not prescribed in Section 80 of  
"the Organic Act."**

**The Organic Act specifically leaves it with the Territory of Hawaii to define the tenure of office. This bill defines the term of office in Section 1 thereof, and in Section 2 prescribes that the term of office shall cease upon the happening of certain events.**

**With the amendments above suggested this Committee recommends the passage of this bill.**

**Respectfully submitted,**

**JUDICIARY COMMITTEE,**

**ALBERT F. JUDD,**

**Chairman.**

**CECIL BROWN,**

**R. H. MAKEKAU,**

**Committee.**

**Dated, Honolulu, Hawaii, March 1, 1911.**

**The Report of the Committee was adopted; the Bill passed Second Reading as amended and was placed on the order of the day for tomorrow for Third Reading.**

**Second Reading of House Joint Resolution No. 4.**

**Upon motion by Senator C. Brown, seconded by Senator Chillingworth, House Joint Resolution No. 4 was laid on the table.**

**At 10:40 o'clock A. M., the Senate adjourned.**

**JOHN H. WISE,**

**Clerk of the Senate.**

**Approved by the Senate:**

**ERIC A. KNUDSEN,**

**President of the Senate.**

## THIRTEENTH DAY.

Thursday, March 2, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all the members present.

The Journal of the Twelfth Day was read and approved with one correction.

A Communication (No. 28) from the House of Representatives, transmitting House Bill No. 3, was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 3, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 3, entitled "An Act to Provide for the Construction of Belt Roads."

The Bill passed First Reading by title and was referred to the Committee of the Whole to be taken up for consideration at a later date.

A Communication (No. 29) from the House of Representatives, transmitting House Bill No. 4, was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 4,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 4, entitled "An Act Making Appropriations for the Repair, Partial Remodeling, and Reconstruction and Furnishing of the Judiciary Building, and Temporary Accommodations Incident Thereto."

The Bill passed First Reading by title and was referred to the Committee on Ways and Means.

A Communication (No. 30) from the House of Representatives, transmitting House Bill No. 23, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 23,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 23, entitled "An Act to Amend Chapter 53 of the Revised Laws, Relating to Sidewalks."

The Bill passed First Reading by title and was referred to the Judiciary Committee.

A Communication (No. 31) from the House of Representatives, transmitting House Bill No. 24, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 24, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 24, entitled "An Act to Repeal Sections 772 and 778 of the Revised Laws, Relating to Certain Parks."

The Bill passed First Reading by title, and was referred to the Committee on Public Lands and Internal Improvements.

A Communication (No. 32) from the House of Representatives, transmitting House Bill No. 25, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii,  
Honolulu, T. H.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 25,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 25, entitled "An Act to Amend Section 1 of Act 41 of the Session Laws of 1905, Relating to Prison Inspectors."

The Bill passed First Reading by title and was referred to the Judiciary Committee.

A Communication (No. 33) from the House of Representatives, transmitting House Bill No. 40, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 40, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 40, entitled "An Act Accepting the Gift of William G. Irwin to the Territory of Hawaii of Certain Lands Situate at Waikiki, Oahu, as an Addition to Kapiolani Park."

The Bill passed First Reading by title and was referred to the Judiciary Committee.

Senator J. T. Brown presented a Report (No. 26) from the

Printing Committee stating that Senate Bills Nos. 35 and 36 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Judd presented a Report (No. 27) from the Judiciary Committee, to which was referred House Bill No. 14, recommending the passage of the Bill:

#### REPORT ON HOUSE BILL NO. 14.

To the Honorable Eric A. Knudsen,  
President of the Senate:

Your Judiciary Committee, to whom was referred House Bill No. 14, to provide for the payment of a certain judgment for the sum of \$15,000 together with interest thereon, rendered by the Supreme Court of the Territory in favor of Frederick J. Lowey, George P. Castle and William O. Smith, Trustees, against the Territory of Hawaii, begs leave to report as follows:

#### FINDINGS.

The American Board of Commissioners for Foreign Missions for many years prior to 1850 had conducted and maintained in the Hawaiian Islands a Protestant Mission, and, as an essential part of its missionary work, carried on many schools. Its most notable educational work was centered in a school established in 1831 at Lahainaluna, on the island of Maui. This school and the premises occupied by it were set off by the chiefs to the Protestant Mission in 1835. On the buildings and other improvements many thousands of dollars were expended, and the school had in 1850 become a most important factor in the life and progress of the Hawaiian people, and was recognized as the leading educational institution in the kingdom.

The course of instruction comprised not only the usual topics belonging to secular learning, but included also direct religious teaching and training in the doctrines represented by the mission.

The claim of the American Board of Commissioners for Foreign Missions to Lahainaluna, as an established part of its system was duly presented to the board of commissioners to quiet land titles, but the claim was withdrawn. The record being in part as follows:

"Lahainaluna, part 5, section 2, claim relinquished before the land commission in consequence of an after-arrangement having been entered into with the Hawaiian Government by the Mission,—"



In April, 1849, the American Board of Commissioners for Foreign Missions transferred to the Hawaiian Government the seminary at Lahainaluna upon the understanding that it should be maintained by the Government along the same lines as it had been maintained by the mission. A breach of the conditions upon which this transfer was made it was agreed would give to the American Board of Commissioners for Foreign Missions the right either to a conveyance of the school properties or, at the option of the Hawaiian Government, to the payment of \$15,000.00.

On July 25, 1903, the American Board of Commissioners for Foreign Missions conveyed to F. J. Lowrey, Henry Waterhouse and William O. Smith, as trustees for the Hawaiian Evangelical Association, all the lands and real estate in the Territory of Hawaii in possession of or belonging to the American Board, or in which they had any right, title, interest, claim or demand whatsoever, by deed properly executed George P. Castle was later duly substituted as a trustee in the place and stead of Henry Waterhouse.

On May 24, 1905, Messrs. Lowrey, Castle and Smith, as trustees under the above deed, brought an action against the Territory under Section 2000 of the Revised Laws to recover the sum of \$15,000.00, alleging a breach by the Territory of the agreement made in 1849 between the Kingdom of Hawaii and the American Board of Commissioners for Foreign Missions.

The case was argued on motion of the Territory to strike out certain portions of the plaintiff's petition, and the motion denied, December 11, 1905. On December 18, 1905, the case was argued on demurrer before the Supreme Court, and on January 3, 1906, the Supreme Court of the Territory of Hawaii decided in favor of the Territory. Messrs. Lowrey, Castle and Smith took the case to the Supreme Court of the United States and it was there argued and submitted March 20, 1907, and decided 13th of May, 1907, the decision being in favor of Messrs. Lowrey, Castle and Smith. The Supreme Court of the United States remanded the case to the Supreme Court of the Territory of Hawaii with instructions to proceed to try the case on its merits. The case was tried in the Supreme Court of the Territory on its merits February 17 to 21, 1908, and decided July 1, 1908, in favor of the Territory. The case was again taken to the Supreme Court of the United States and there argued on December 6 and 7, 1909, and decided January 24, 1910, the decision being in favor of Messrs. Lowrey, Castle and Smith, the Supreme Court of the United States remanding the cause with instructions to the Supreme Court of the Territory to enter judgment in favor of the plaintiffs, Messrs. Lowrey, Castle and Smith. The mandate of the Supreme Court of the United States was filed in the Supreme

Court of the Territory on March 19, 1910, and on March 30, 1910, judgment was entered in the Supreme Court of the Territory in favor of Frederick J. Lowrey, George P. Castle, and William O. Smith, Trustees, and against the Territory of Hawaii for the sum of \$15,000.00, together with costs taxed at \$111.20.

#### CONCLUSIONS.

Your Committee recommends the passage of this Bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March 2, 1911.

The Report of the Committee was adopted; House Bill No. 14 passed Second Reading and was placed on the order of the day for tomorrow for Third Reading.

At this juncture, Senator Robinson introduced the following Bills, of which he had previously given notice, to-wit:

Senate Bill No. 40, entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii as Amended by Act 96 of the Session Laws of 1907 by Amending Sections 1418G and 1418H Thereof, and by Adding Thereto a New Section to be Known as 'Section 1418J.' "

Passed First Reading by title and referred to the Printing Committee.

Senate Bill No. 41, entitled "An Act to Provide for the Payment of Interest Upon All Amounts Due and Payable and Delinquent as Taxes or Assessments Upon Personal Property or Incomes, Water, Sewer or Any Other Taxes or Rates; to Fix the Rate of Interest Thereon and Repealing All Laws now in Force Providing for Penalties Upon the Same so Far as the Imposition of Penalties Are Provided For."

Passed First Reading by title and referred to the Printing Committee.

Senate Bill No. 42, entitled "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii, Relating to Exemption on Personal and Property Taxes."

Passed First Reading by title and referred to the Printing Committee.

Senate Bill No. 43, entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii."

Passed First Reading by title and referred to the Printing Committee.

Senate Bill No. 44, entitled "An Act for the Relief of Persons Released from the Leper Settlement at Molokai."

Passed First Reading by title and referred to the Printing Committee.

Senate Bill No. 45, entitled "An Act to Amend Subdivision 4A of Section 9, Act 39 of the Session Laws of 1905, Relating to the General Powers, Liabilities and Limitations of Counties as Amended by Act 100 of the Session Laws of 1909."

Passed First Reading by title and referred to the Printing Committee.

Second Reading of Senate Bill No. 35, entitled "An Act to Provide for Writs of Error in Certain Instances in Criminal Cases."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 36, entitled "An Act Relating to Personal, Income and Property Taxes, and the Disposition of the Proceeds Thereof, Amending Certain Laws and Repealing Others."

Referred to the Judiciary Committee.

Senator Fairchild gave notice of his intention to introduce the following Bills:

1. "An Act Relating to Expenses of District Magistrates, Amending Act 122 of the Laws of 1909."

2. "An Act Relating to Circuit Court Receipts and Expenses."

Under suspension of the rules, Senator Fairchild introduced Senate Bill No. 46, entitled "An Act Relating to Expenses of District Magistrates, Amending Act 122 of the Laws of 1909."

The Bill passed First Reading by title and was referred to the Printing Committee.

The rules being suspended, Senator Fairchild introduced Senate Bill No. 47, entitled "An Act Relating to Circuit Court Receipts and Expenses."

The Bill passed First Reading by title and was referred to the Printing Committee.

A Communication (No. 34) from the House of Representa-

tives, transmitting House Bill No. 21, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 2, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 21, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 21, entitled "An Act to Repeal Chapter 51 of the Revised Laws Relating to Cantoniers."

The Bill passed First Reading by title and was referred to the Judiciary Committee.

At 11:02 o'clock A. M. the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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**FOURTEENTH DAY.**

Friday, March 3, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Thirteenth Day was read and approved.

A Communication (No. 35) from the House of Representatives, informing the Senate that the House had concurred in the amendments made by the Senate to House Concurrent Resolution No. 4, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 2, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Concurrent Resolution No. 4 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 36) from the House of Representatives, returning Senate Bill No. 25, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 2, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 25, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 37) from the House of Representatives, transmitting House Bill No. 63, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 2, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 63, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 63, entitled "An Act to Amend Section 1 of Act 62 of the Session Laws of 1909, Relating to Expenditure of Public Money."

The Bill passed First Reading by title and was referred to the Judiciary Committee.

A Communication (No. 38) from the House of Representatives, transmitting House Bill No. 30, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 2, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 30, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 30, entitled "An Act to Provide for the Construction of Roads to and Upon Public Lands Opened for Homesteads, Residence or Other Purposes."

The Bill passed First Reading by title and was referred to the Committee on Public Lands and Internal Improvements.

Senator Kalama presented a Report (No. 28) from the Committee on Public Lands and Internal Improvements, to which had been referred Senate Petition No. 4, recommending that the Petition be laid on the table to be taken up for consideration with the Appropriation Bill.

The Report of the Committee was read by the Clerk as follows:

SENATE CHAMBER.

Honolulu, T. H., March 3, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Petition No. 4, praying "for sufficient funds to lay a four-inch water main in Houghtailing Road, Honolulu" presented by the Hon. A. F. Judd, Senator 3rd District, beg leave to report as follows:

Your Committee has had the said petition under due and careful consideration, and upon further investigation, we find that the very water main prayed for is included in the recommendations of the Superintendent of Public Works, in whose department the control and improvements of the Honolulu Water Works system is placed; and we further find, that in the said recommendation a larger water main will be laid for a distance of 1500 feet along said Houghtailing Road to be 6-inch instead of 4-inch size,—a very much better proposition than the petitioners suggested.

Your Committee therefore recommends the petition be laid on the table, to be taken up for consideration with Senate Bill No. 22.

Very respectfully submitted,

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
Member.

GEO. C. HEWITT,  
Member.

The Report of the Committee was adopted.

Senator Kalama presented a Report (No. 29) from the Committee on Public Lands and Internal Improvements, to which was referred Senate Bill No. 7, recommending that the Bill be laid on the table to be taken up for consideration with the Appropriation Bill.

The Report of the Committee was read by the Clerk as follows:

SENATE CHAMBER.

Honolulu, T. H., March 3, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Bill No. 7, introduced by Hon. D. K. Baker, entitled "An Act to Provide for the Construction of a Wharf at Napoopoo, South Kona, Island of Hawaii, and Making a Special Appropriation Therefor", has had the same under due and careful consideration and beg leave to report as follows:

The Committee finds the expenditure of the appropriation prayed for will provide a needed public improvement; and from consultations had with the officials of the Public Works Department who have such matters in hand, the Committee learns that the amount proposed to be appropriated is sufficient for the purpose.

Your Committee therefore recommends the Bill be laid on the table to be taken up with the regular appropriation bill, to-wit: Senate Bill No. 22.

Very respectfully submitted,

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
Member.

GEO. C. HEWITT,  
Member.

The Report of the Committee was adopted.

Senator Kalama presented a Report (No. 30) from the Committee on Public Lands and Internal Improvements, to which had been referred Senate Petition No. 1, recommending that the Petition be granted.



The Report of the Committee was read by the Clerk as follows:

SENATE CHAMBER.

Honolulu, T. H., March 3, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Petition No. 1 presented by the Hon. A. S. Kaleiupu, Senator from the 3rd District, beg leave to report as follows:

Your Committee has had the same under due and careful consideration and find: That the petition prays for the appropriation of the sum of \$2,500.00 for the relief of the Hawaiian Board and the widow of R. Maka, deceased, as recited in said petition.

In view of the conditions which caused the injury to the interests of the estate of R. Maka aforesaid, your Committee believe that it is right and just that the claim be allowed as prayed for.

Therefore your Committee recommends that the amount claimed in the said petition be inserted in the appropriation bill itemized as follows:

“Relief of Hawaiian Board,  
Beneficiary, under the Will of Kalau Maka, deceased . . . . . \$1,500.00

“Relief of Kaneahoa,  
Surviving widow of R. Maka, deceased . . . . . 1,000.00

The above items to be inserted in lines 156 and 156a of Senate Bill No. 22, now pending before the Senate.

Very respectfully submitted,

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
Member.

GEO. C. HEWITT,  
Member.

The Report of the Committee was adopted.  
Senator Kalama presented a Report (No. 31) from the Com-

mittee on Public Lands and Internal Improvements, to which had been referred Miscellaneous Communication No. 4 with Resolution attached, from the Clerk of the City and County of Honolulu, recommending that the same be tabled.

## SENATE CHAMBER.

Honolulu, T. H., March 3, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Miscellaneous Communication No. 4 with resolution attached, from the Clerk of the City and County of Honolulu, has had the same under careful consideration, and beg leave to report as follows:

The Resolution on its face is virtually a petition to the Governor and the Commissioner of Public Lands to ask the Legislature for some appropriation which the Board of Supervisors required for certain local improvements, and is not a direct petition to this Legislature.

Your Committee is of the opinion that it is improper for this Legislature to initiate in the action suggested without the recommendation of the authorities mentioned in said Resolution, and therefore recommend that the said Communication be tabled.

Very respectfully submitted,

S. E. KALAMA,  
Chairman.  
A. S. KALEIOPU,  
Member.  
GEO. C. HEWITT,  
Member.

The Report of the Committee was adopted.

Senator Fairchild presented a Report (No. 32) from the Committee on Ways and Means to whom had been referred Senate Bill No. 30, recommending the passage of the Bill with certain amendments.

The Report of the Committee was read by the Clerk as follows:

Honolulu, March 3, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill No. 30 has had same under consideration and begs to report as follows:

The intent of the Bill is to transfer the granting of second hand dealers' licenses and the collection fees etc., from the Territorial Treasurer to the City and County of Honolulu and other counties of the Territory.

It was evidently an oversight on the part of the last Legislature that the matter was not adjusted at the time other matters of like nature were transferred from the Territory to the Counties.

Your Committee, therefore, recommends the passage of the Bill with the following amendment under Section 1:

After the second word "the" of the first line insert "City and County of Honolulu and of the."

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman, Ways and Means Committee.

CECIL BROWN,  
E. W. QUINN,  
J. T. BROWN,  
WM. T. ROBINSON.

The Report of the Committee was adopted, the Bill passed Second Reading as amended, and was placed on the order of the day for tomorrow for Third Reading.

Senator Chillingworth presented a Report (No. 33) from the Committee on Public Health, to whom was referred Senate Bill No. 28, recommending the passage of the Bill.

The Report of the Committee was read by the Clerk as follows:

Honolulu, March 3, 1911.

Hon. E. A. Knudsen,  
President of the Senate,

Dear Sir:—

Your Committee of Health have had under consideration Senate Bill No. 28 and begs leave to report as follows:

The last Legislature appropriated \$15,000 for buildings and

furnishings for this Home. Plans and specifications were made for the buildings, after consultation with the President of the Board of Health and Sisters in charge of the Home, and tenders were advertised for. Five tenders were received as follows: \$18,167; \$20,683; \$23,200; \$28,000; \$30,039.

These being all above the amount appropriated, a study was made to cut down the plans sufficiently to come within the appropriation, but it was found impossible to do this without falling short of the requirements of the Home. It was then concluded, in the interests of the Home and the most judicious expenditure of the money, to leave it to the Legislature whether an additional appropriation should be made or the buildings and furnishings be cut down so as to come within the present appropriation, and thereby leave the Home inadequately provided for. It is believed that \$5,000 additional will be sufficient for both the buildings and the furnishings.

Your Committee visited the Kapiolani Girls' Home and found same in a condition which calls for immediate action and, therefore, recommends the passage of the Bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD.

The Report of the Committee was adopted; Senate Bill No. 28 passed Second Reading and was placed on the order of the day for tomorrow for Second Reading.

Senator Chillingworth presented a Report (No. 34) from the Committee on Public Health, to whom had been referred Senate Bill No. 26, recommending the passage of the Bill with certain amendments.

Honolulu, March 3, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Dear Sir:—

Your Committee on Health have had under consideration Senate Bill No. 26 and recommend the passage of the Act with the following amendment:

Strike out the word "licensed" before the word "physicians" on Page 2, Section 2, Line 2.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,

Chairman.

ALBERT F. JUDD,

PHILIP PALI.

The Report of the Committee was received and placed on file, and upon motion by Senator Makekau, seconded by Senator Pali, consideration of Senate Bill No. 26 was deferred until tomorrow and placed upon the special order of the day.

Senator Chillingworth presented a Report (No. 35) from the Committee on Public Health to whom was referred House Bill No. 38, recommending the passage of the Bill with certain amendments.

Honolulu, March 3, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Dear Sir:—

Your Committee on Health have had under consideration House Bill No. 38 and recommend the passage of the Bill with the following amendments:

Amend the title so as to read "Making Additional Appropriations for the Board of Health for the Biennial Period Ending June 30, 1911."

In Section 1, Line 1, the word "sum" have it read "sums." Strike out the word "is" and insert "are."

Add after \$20,000.00 "Morgue Building and Furnishing \$5,000.00."

The present Morgue Building is a one roomed affair partly destroyed by fire, and in its present condition a menace to the health of the community.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,

Chairman.

ALBERT F. JUDD,

PHILIP PALI.

The Report of the Committee was adopted; House Bill No. 38 passed Second Reading as amended and was placed on the order of the day for tomorrow for Third Reading.

Third Reading of House Bill No. 14, entitled "An Act to Provide for the Payment of a Certain Judgment for the Sum of Fifteen Thousand Dollars (\$15,000.00) Together with Interest Thereon, Rendered by the Supreme Court of Said Territory in Favor of Frederick J. Lowrey, George P. Castle, and William O. Smith, Trustees, Against the Territory of Hawaii."

Upon motion by Senator C. Brown, seconded by Senator Makekau, the Bill passed Third Reading upon the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 16, entitled "An Act Relating to Tenure of Public Officers."

Upon motion by Senator Makekau, seconded by Senator Fairchild, consideration of the Bill was indefinitely postponed.

Senator J. T. Brown presented a Report (No. 36) from the Printing Committee stating that Senate Bill No. 39 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 39, entitled "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Street Railway, Electric Light and Power System in the District of South Hilo, Island of Hawaii."

Upon motion by Senator Fairchild, seconded by Senator Makekau, the Bill was referred to a Special Committee, consisting of all the Senators from the Island of Hawaii.

Upon motion by Senator Robinson, seconded by Senator Pali, House Bill No. 3, which had been previously referred to the Committee on the Whole, was referred to the Committee on Ways and Means.

Senator Makekau gave notice of his intention to introduce a Bill entitled "An Act to Provide Public Loans for the County of Hawaii."

Under suspension of the rules, Senator Makekau introduced Senate Bill No. 48, entitled "An Act to Provide Public Loans for the County of Hawaii."

The Bill passed First Reading by title and was referred to the Printing Committee.

A Communication (No. 39) from the House of Representatives, transmitting House Bill No. 39, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 39, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 39, entitled "An Act to Amend Act 65 of the Session Laws of 1909, Relating to Earnings of Certain Industrial Schools."

The Bill passed First Reading by title and was referred to the Education Committee.

A Communication (No. 40) from the House of Representatives, transmitting House Bill No. 52, was read by the Clerk as follows:

Honolulu, T. H., March 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 52, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 52, entitled "An Act to Amend Section 1381 of the Revised Laws of Hawaii, Relating to Hotel, Boarding House and Restaurant Licenses."

The Bill passed First Reading by title and was referred to the Committee on Ways and Means.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act to Appropriate Money for the Purpose of Paying Claim of James Quinn Against the Territory of Hawaii."

Under suspension of the rules, Senator Chillingworth introduced Senate Bill No. 49, entitled "An Act to Appropriate Money for the Purpose of Paying Claim of James Quinn Against the Territory of Hawaii."

The Bill passed First Reading by title and was referred to the Printing Committee.

At this juncture a message from the Governor (No. 5) was received and read by the Clerk as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber.

Honolulu, March 3, 1911.

To the Legislature:

I submit herewith, in the form of an appropriation bill, estimates for public improvements.

In my first message I suggested the desirability of separate bills for current expenses and permanent improvements.

The amount available for public improvements from loan funds now in the Treasury after meeting outstanding obligations will be practically nothing; but there is a substantial surplus in general funds, though small as compared with the needs.

The amount of bonds that may yet be issued under the existing loan act (Revised Laws, page 1302) is \$1,756,000. If public improvements are to be provided for out of loan funds in excess of that amount, either the existing loan act must be amended so as to extend the limit to which bonds may be issued, or else a new enabling act must be enacted.

The limit prescribed by the Organic Act to which bonds may be issued is one per cent of the assessed value of property, or, say, \$1,500,000, in any one year, and seven per cent



in the aggregate, but it will probably be advisable in any event to issue the bonds, not all at once, but in instalments, so as to avoid keeping an unnecessarily large sum in idleness and so as not to affect labor conditions too seriously. The total amount of bonds now outstanding is \$4,029,000, or 2.68 per cent of the assessed value of property. An additional \$25,000 is about to be paid.

The recent amendments of the Organic Act extended the term for which bonds may be issued from 15 years to 30 years. This should facilitate the sale of bonds at a lower rate of interest or a higher price than would otherwise be possible. On the other hand, the bond market at the present time is such that a higher rate of interest may have to be paid or the bonds sold at a greater discount than was the case with the last three issues. It may be that bonds cannot be sold at par unless they bear interest at a rate as high as four per cent per annum, although the market may improve before the bonds are issued, so as to make it possible to sell them on better terms. The last sale was of 3½ per cent 15 year bonds at 98.25. If the rate of interest is four per cent, there will have to be set aside annually for sinking fund, in addition to interest, 4.99 per cent, if the term of the bonds is 15 years; 3.36 per cent, if the term is 20 years; 2.40 per cent, if the term is 25 years; and 1.78 per cent, if the term is 30 years.

In order to justify the issuance of bonds adequate provision should be made also for the expenditure of the proceeds to the best advantage and without waste and for the upkeep of the improvements thereafter, so that the improvements will not require to be replaced before the bonds are paid.

Most of the improvements covered by the proposed bill have been explained sufficiently in my first message, to which your attention is invited. They are divided into two classes, namely, those which are territorial and those which are county and city and county in nature.

The territorial improvements are classified into water and sewer works, wharf and harbor improvements, and public buildings.

As to water and sewer works, all the bonds that may be issued for these may be met, principal and interest, out of the revenues of those works, as provided by Act 105 of the Laws of 1909 and Section 6 of the bill submitted herewith.

As to wharf and harbor improvements, the bonds that may be issued for these may be met, in part at least, out of the revenues of the improvements to be made with the proceeds of such bonds. It is a question calling for careful consideration whether such wharves as are intended to be used largely as terminals of railroads should be owned and operated by the Territory or by the railroad or other companies under licenses

from the Territory. In the case of Hilo, a license has been granted to the Hilo Railroad Company, but the wharf has not yet been constructed. In the case of Kaawaloa, the question of the issuance of a license has been the subject of discussion between the government and certain railroad companies, but no license has yet been issued. In each of these cases, the wharves are proposed for localities in which there is now little or no business and to which the railroads do not extend, and it is suggested that if appropriations are made for the construction of these wharves, they should be made only on some such conditions as those set forth in the bill, in order to assure the use of the wharves. At Kahului the wharf has already been constructed under a license from the Territory and it is a question whether that should now be purchased by the Territory, as may be done under the terms of the license, at an appraised value not to exceed the cost. Again, it is a question whether McGregor's wharf should be extended, as it ought to be if it is to remain the principal landing on that side of Maui for Wailuku, or whether the principal landing should be changed to Kihei.

As to territorial buildings, most of these are pressingly needed. They are, however, non-revenue producing improvements and should be provided for, as far as possible, out of general revenues. As pointed out in my first message, they have first claim upon the territorial surplus. Accordingly, it is provided in Section 2 of the bill that these may be paid for out of the general revenues in so far as there may be such revenues available for the purpose. When the Territory is so fortunate as to have a surplus, it should be used for neglected objects of this nature in order to keep down the bonded indebtedness, or to pay off such indebtedness, for which sufficient provision has not yet been made. It is impossible to estimate accurately what the revenues for a future biennial period will be, because they depend so much upon the varying price of sugar and other varying causes. So far as can be estimated, it is probable that a large portion of these buildings and perhaps all of them may be provided for out of the general revenues, provided belt roads are provided for out of loan funds. The potent reasons why belt roads should be provided for out of loan funds, and the general revenues used for such territorial buildings as these, are set forth in my first message. In order to reduce the cost of these buildings as much as possible, it is provided in Section 3 of the bill that those for certain institutions may be constructed as far as practicable by the inmates of those institutions. In the case of the prison, it is a question whether the site of that should be changed; if so, a far larger amount than that stated in the bill will be required, and in any event a larger amount should

be provided, if possible. Accordingly, in order to provide the necessary revenues for these purposes and keep the bond issue as low as possible, a method is suggested in Section 4 of the bill, which may easily be modified to meet the views of the Legislature. There is need of a public building at Hilo for the use of the Circuit Court and other purposes, but the need is not of such immediate urgency as the need of the other buildings referred to, and it is a question also whether that should be provided for as a territorial building or as a county building. No estimate is included for such a building, but your attention is called to it, in order that it may not be overlooked.

As a fourth class of desired territorial improvements, the Kapiolani Park may be mentioned as one requiring a small appropriation of, say, \$12,000, for various improvements, in case it should be regarded, as suggested in my first message, as in the nature partly of a territorial park and partly of a city and county park, the Territory providing for the permanent improvements and the city and county for the upkeep under the direction of a territorial board. That also is a non-revenue producing improvement, and for that reason and because of the nature of the object, the appropriation, if any should be made, should perhaps be included in the appropriation bill for current expenditures, so as to have it payable out of the general revenues exclusively.

As to county and city and county improvements, it is a question whether the bonds should be issued by the Territory, following the precedent set by the last Legislature in the case of the Kula Pipe Line, or by the several counties and city and county. The Territory could doubtless issue the bonds at lower rates of interest, and if the reimbursement of the Territory by the counties and city and county for interest and sinking fund should be provided for in the manner set forth in Section 7 of the bill, the counties and city and county would have the additional advantage of being able to pay the bonds and discharge their obligations at any time, instead of being obliged to wait a long period until the bonds should become redeemable, and would also avoid the necessity of accumulating the sinking fund, which is objectionable from the standpoint of a sound fiscal policy, because the Territory can make use of amounts set aside for sinking fund purposes from time to time by applying them to the payment of its earlier issues of bonds, while the counties have no such earlier issues to which they could apply their sinking fund.

The county and city and county improvements are divided into two classes, namely, belt roads and school buildings. No estimates are made for the former, as some of the counties may not wish to have bonds issued for that purpose and other counties will wish to determine the amounts desired by them.

Blanks are left for the insertion of the desired amounts, if any of the counties prefer to avail themselves of this method and the Legislature approves.

The construction of school buildings, however, is a necessity, and the only question should be whether they should be constructed as territorial or as county buildings. If the maintenance of school buildings is to remain in the counties, the construction of school buildings likewise should be placed there, both as a matter of logical distribution of functions and in order to insure proper maintenance. If the Territory is to construct the buildings, there is no incentive, except one of the public welfare, which is not always effective, for the counties to maintain them properly. During the last year, for instance, the county in which there is the largest number of school buildings expended almost nothing for their maintenance. If the buildings should be constructed as county buildings, to be renewed by the counties and not by the Territory when they decay, the counties would have an additional inducement for properly maintaining them. If the Territory is to construct them, either it should be provided with the means of maintaining them, or else their maintenance should in some way be made obligatory on the counties. In case any of the counties should prefer to construct its school buildings without the issuance of bonds, provision is made for that in the proviso of Section 5 of the bill.

If the Territory is thus to lend its credit to the counties for the construction of belt roads and school buildings, it must see to the proper application of the proceeds of the bonds, for which it is primarily liable, and, on the other hand, if the counties are to be ultimately responsible for the payment of the bonds, they also should have a voice in the application of the funds. Accordingly, provision is made for this in Section 5 of the bill.

The bill does not include estimates for all needs, nor are all the estimates that are included as large as might be desired. The aim has been to keep down the bonded indebtedness, to insure its payment and the economical expenditure of loan funds, and to meet the varying needs and resources of the Territory and the several counties and city and county. So little has been done for some years past in the matter of public improvements either out of loan funds or out of general revenues, that much is required now in order to meet the urgent needs of a growing country.

WALTER F. FREAR,  
Governor of Hawaii.

AN ACT.

TO PROVIDE FOR PUBLIC IMPROVEMENTS.

Be it Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums are hereby appropriated for the following purposes out of any available moneys now in the Treasury or hereafter received by the Treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts therein appropriated.

**Territorial Improvements:**

- 1. Honolulu Water and Sewer Work .....\$500,000.00

**Wharf and Harbor Improvements as follows:**

- 2. Honolulu .....\$350,000.00
- 3. Hilo, on condition that the Hilo Railroad Company enters into an agreement satisfactory to the superintendent of Public Works and approval of the Governor to extend its railroaad to such wharf and thereafter operate it to such wharf as a common carrier for a term of not less than ten years \$200,000.00
- 4. Kaawaloa; on condition that the Kona-Kau Rairoad Company enters into an agreement satisfac-tory to Superintendent of the Public Works approved by the Governor to construct at least fif-teen miles of railroad with its terminus at such wharf and to operate the same to such wharf as a common carrier for a term of not less than ten years.....\$ 80,000.00
- 5. Napoopoo ..... 15,000.00
- 6. Mahukona ..... 15,000.00
- 7. Kahului; including purchase of present wharf ..... 30,240.00
- 8. McGregors ..... 9,000.00
- 9. Hanalei ..... 10,000.00 \$709,240.00

**New Buildings, Additions, Equipment and other Improve-ments, as follows:**

- 10. College of Hawaii .....\$ 75,000.00

11. Girls' Industrial School .....	40,000.00	
12. Boys' Industrial School .....	30,000.00	
13. Lahainaluna School .....	25,000.00	
14. Insane Asylum .....	50,000.00	
15. Prison .....	75,000.00	
16. Kalihi Hospital .....	25,000.00	
17. Armory; Honolulu, on condition that a suitable site be obtained thereof .....	\$ 75,000.00	
18. Armory, Lahaina .....	10,000.00	\$405,000.00

**County and City and County Improvements:****Belt Roads and Bridges as follows:**

19. City and County of Honolulu.....	
20. County of Maui .....	
21. County of Hawaii .....	
22. County of Kauai .....	

**School Buildings, Teachers' Cottages and Equipment, as follows:****City and County of Honolulu:**

23. Kaimuki .....	60,000.00	
24. Pohukaina .....	30,000.00	
25. Kauluwela .....	30,000.00	
26. Miscellaneous .....	15,000.00	\$135,000.00

**County of Maui:**

27. Lahaina .....	30,000.00	
28. Miscellaneous .....	12,500.00	\$ 42,500.00

**County of Hawaii:**

29. Hilo Union .....	65,000.00	
30. Napoopoo .....	8,000.00	
31. Miscellaneous .....	12,500.00	\$ 85,500.00

**County of Kauai:**

32. Hanapepe .....	40,000.00	
33. Miscellaneous .....	7,000.00	47,000.00 \$310,000.00

Section 2. The appropriations in said items numbered 10 to 18, both inclusive, may be paid out of the general revenues of the Territory in so far as there may be such revenues available for the purpose.

Section 3. The provisions of Act 62 of the Laws of 1909 and amendments thereto shall apply to all said items to the same extent as if they were a part of this Act, provided that

the work referred to in said items numbered 12 to 15, both inclusive, may be performed without contracting therefor after advertisement for tenders in so far as that may be deemed advisable by the Superintendent of Public Works, with the approval of the Governor, in order to utilize for that purpose the labor of the inmates of the institutions therein referred to.

Section 4. The present site and buildings of the Prison and the neighboring Kuili land or any part or parts thereof may be sold and so much of the proceeds thereof as may be necessary may be used for the purchase of a new site for the Prison and or the construction of new buildings and equipment for the Prison in whole or in part in addition to or substitution for the sum appropriated in said item numbered 15.

Section 5. The expenditure of the appropriation, the letting of contracts and the performance of the work under each of said items numbered 19 to 33, both inclusive, shall be under the direction and subject to the approval of a commission for each County and City and County consisting of the Superintendent of Public Works, the Mayor or Chairman of the Board of Supervisors and three other persons, appointed by the Governor as provided in Section 80 of the Organic Act, who are residents of the County or City and County in which such work is to be performed; provided, that no bonds shall be issued, money expended or work performed, by or for the Territory under or through such commission or otherwise for any object referred to in said items numbered 23 to 33, both inclusive, in case the Board of Supervisors of the County or City and County in which the work for such object is to be performed shall within three months after the approval of this Act undertake to the satisfaction of such commission to perform such work within the biennial period ending June 30, 1913, out of the funds of such County or City and County.

Section 6. All bonds the proceeds of which shall be applied to the objects referred to in said item numbered 1, shall be deemed to be included in the indebtedness, the payment of which and of the interest thereon is provided for in Act 105 of the Laws of 1909.

Section 7. Each County or City and County shall pay to the Territory, on the interest dates of any bonds that may be issued by the Territory, the proceeds of which shall have been expended for such of the works referred to in said items numbered 19 to 33, both inclusive, as shall have been constructed in such County or City and County, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds, and also such sum annually on the second interest date and the same date each year thereafter, during the term for which such bonds shall have been issued, whether afterwards refunded or not, that the aggregate of

such sums so annually paid will, compounded annually at such rate of interest, equal at the expiration of such term such par value; and the Auditor of the Territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the Treasurer of such County or City and County such amounts when due as are required by this Section to be paid by such County or City and County, and proper receipts shall thereupon be exchanged between the Treasurers of the Territory and of such County or City and County; provided, however, that such County or City and County may at the option of its Board of Supervisors pay on account of such bonds on any such interest date any additional sum, and when the accrued values of all sums, other than interest, paid on account of such bonds shall equal the par value of such bonds all the obligations of said County or City and County in respect of such bonds, principal and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for by Act 97 of the Laws of 1907 in addition to the amounts required to be deposited by said Act.

Section 8. This Act shall take effect on its approval.

The message was referred to the Printing Committee.

A Communication (No. 41) from the House of Representatives, transmitting House Bill No. 64, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 64, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
First Reading of House Bill No. 64, entitled "An Act to



Amend Section 1272 of the Revised Laws of Hawaii, Relating to Procedure for Enforcing Payment of Delinquent Taxes Assessed Against Unknown or Non-resident Persons."

Upon motion by Senator Pali, seconded by Senator Fairchild, the Bill passed First Reading by title, and was referred to the Judiciary Committee.

A Communication (No. 42) from the House of Representatives, transmitting House Bill No. 69, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 3, 1911.

**The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.**

Gentlemen:—

I have the honor to transmit herewith House Bill No. 69, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

**EDWARD WOODWARD,  
Clerk, House of Representatives.**

The Communication was received and placed on file.

First Reading of House Bill No. 69, entitled "An Act to Limit the Time Within Which Warrants Upon the Territorial Treasurer May be Paid, Adding a Section to be Known as Section 1542A to the Revised Laws."

Upon motion by Senator Pali, seconded by Senator Baker, the Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator Fairchild gave notice of his intention to introduce a Bill entitled "An Act to Provide for Public Improvements."

Under suspension of the rules, Senator Fairchild introduced Senate Bill No. 50, entitled "An Act to Provide for Public Improvements."

Upon motion by Senator Fairchild, seconded by Senator Pali, the Bill passed First Reading by Title and was referred to the Printing Committee.

At 11:48 o'clock A. M., Senator Judd moved to take a recess

until 2:00 o'clock P. M., seconded by Senator C. Brown, and carried.

### AFTERNOON SESSION.

The Senate reconvened at 2:00 o'clock P. M.

At 2:08 o'clock P. M., the Senate resolved itself into a Committee of the Whole for consideration of Senate Bill No. 18, Senator Kaleiupu presiding.

At 3:50 o'clock P. M., the Senate came to order.

Senator Kaleiupu for the Committee of the Whole presented a Report (No. 3) recommending that Senate Bill No. 18 be referred to the Committee on Education.

### SENATE CHAMBER.

Honolulu, T. H., March 3, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to whom was referred Senate Bill No. 18, begs leave to report, that after careful consideration, recommend that Senate Bill No. 18 be referred to the Committee on Education.

Respectfully yours,

A. S. KALEIOPU,  
Chairman, Committee of the Whole.

Upon motion by Senator C. Brown, seconded by Senator Kaleiupu, the Report of the Committee was adopted.

Senator J. T. Brown presented a Report (No. 37) from the Printing Committee, stating that Senate Bills Nos. 41, 42 and 44 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 41, entitled "An Act to Provide for the Payment of Interest Upon All Amounts Due and Payable and Delinquent as Taxes or Assessments Upon Persons, Property or Incomes, Water, Sewer or Any Other Taxes or Rates; to Fix the Rate of Interest Thereon and Repealing All Laws Now in Force Providing for Penalties Upon the Same so Far as the Imposition of Penalties Are Provided For."

Upon motion by Senator Baker, seconded by Senator Robinson, the Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 42, entitled "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii, Relating to Exemption on Personal and Property Taxes."

Upon motion by Senator Robinson, seconded by Senator Baker, the Bill was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 44, entitled "An Act for the Relief of Persons Released from the Leper Settlement at Molokai."

Upon motion by Senator Robinson, seconded by Senator Baker, the Bill was referred to the Committee on Public Health.

A Communication from the House of Representatives (No. 43), transmitting House Bill No. 28, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 28, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 28, entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Upon motion by Senator Makekau, seconded by Senator Hewitt, the Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 44) from the House of Representatives, transmitting House Bill No. 76, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 76, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 76, entitled "An Act Making Appropriations for the Reconstruction, Improvement and Extension of the Wharves and Wharfsheds at Mahukona, Hawaii, and Hanalei, Kauai, and for the Construction of Approaches Thereto."

Upon motion by Senator Makekau, seconded by Senator Pali, the Bill passed First Reading by Title and was referred to the Committee on Public Lands and Internal Improvements.

A Communication (No. 45) from the House of Representatives, transmitting House Concurrent Resolution No. 6, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent

Resolution No. 6, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, and upon motion by Senator C. Brown, seconded by Senator Chillingworth, House Concurrent Resolution No. 6 was adopted.

At 4:02 o'clock P. M., upon motion by Senator C. Brown, seconded by Senator Baker, the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## FIFTEENTH DAY.

Saturday, March 4, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Pali absent.

The Journal of the Fourteenth Day was read and approved.

A Communication (No. 24) from the Chief Clerk of the Office of the Secretary was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 3, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your

Honorable Body that the Governor has this day signed the following bill:

House Bill No. 14, Act 6, entitled "An Act to Provide for the Payment of a Certain Judgment for the Sum of Fifteen Thousand Dollars (\$15,000.00), Together with Interest Thereon, Rendered by the Supreme Court of said Territory in Favor of Frederick J. Lowrey, George P. Castle, and William O. Smith, Trustees, Against the Territory of Hawaii."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 12) from Alfred D. Cooper, Chairman, Territorial Central Committee of the Republican Party of Hawaii, enclosing a Communication from Carl S. Smith, Executive Committeeman, First Representative District, was read by the Clerk as follows:

REPUBLICAN TERRITORIAL CENTRAL COMMITTEE.

Honolulu, T. H., March 3, 1911.

Hon. Eric A. Knudsen,  
President of the Senate,  
City.

Dear Sir:—

I beg to transmit herewith copy of letter received from Mr. Carl S. Smith of Hilo, Hawaii, relative to the Bill provided for County Record Office (H. B. No. 60) at present pending before the House.

Yours very respectfully,

ALFRED D. COOPER,  
Chairman.

ADC/ASA

Alfred D. Cooper, Chairman,  
Territorial Central Committee,  
Honolulu, T. H.

Dear Sir:—

At the request of several of the Republicans who were interested in having inserted in the Territorial Platform, Section 15, which provides for the Recording of Instruments of Conveyances in the counties where the property conveyed is situated, I have spent a considerable amount of time in the preparation of such a Bill. Inasmuch as I have drafted three separate Acts for each Session of the Legislature for 1905,

1907 and 1909, I am fairly familiar with the necessities of this Bill.

When it was finally completed, I submitted it to Governor Frear, who gave it more than ready study and at his suggestion have made numerous amendments.

The Bill thus to be presented is therefore the careful work of several years and has had the mature consideration of the Governor. I will submit the Bill to the Speaker of the House of Representatives with the request, that he see to it that it is properly introduced and pushed through at as early a date as possible.

Very much to my surprise, a number of gentlemen in the House and in the Senate elected upon the Republican ticket find that this Legislation does not meet with their practical views and so are to be relied upon as unfavorable to this, or any other measure, which will carry out the pledge contained in the Party Platform. From the standpoint of common honesty and decency it is going to be necessary for this Legislature to pass a Bill which looks to the recording of instruments in the various counties.

I am sorry to say that some of our Republicans do not look at the matter from this standpoint. It will be necessary to urge upon them with some considerable insistence, that the next Campaign is going to be difficult for the Republican Party, just in so far as the Republican pledges of last year are disregarded.

Aside from the fact that the Republican Party has pledged itself to this particular piece of reform, I would like to call your attention, and through you, to the attention of the Executive Committee and the Republican members of the Legislature some facts, which seem to be overlooked in a discussion of this measure. Nowhere else in the United States is there any such condition of affairs relative to the recording of instruments, such as exists here. In this Territory, however, there are much stronger reasons for legal record of conveyances than elsewhere, for the reason that we have such infrequent communications between the outside Islands and the Capitol. I can give you several instances of cases where persons attempting to purchase land on the Island of Hawaii have made an examination of the Honolulu records and finding them satisfactory, have taken a conveyance, only to find that when their conveyance is recorded a prior conveyance has been recorded, between the taking of their instrument and and the recording of it.

It is objected by the Honolulu business men that all of the business is done in Honolulu and the records should be kept here. This is a serious mistake, but it is to be explained by reason of the fact that such condition of affairs existed in former years.



At present we have on the Island of Hawaii 4 Banks and 1 Trust Company, all of whom make considerable loans upon real estate on the Island of Hawaii. Practically none of the Honolulu banks make any such loans. I am informed that a similar condition exists on Maui and Kauai.

It is also objected that the cost of transcribing records now in Honolulu will be considerable. There is no wish or attempt on the part of any person to keep any of Honolulu records to be sent to the outside counties. The Bill merely provides that after July 1, 1911, all conveyances of property shall be recorded in the office of the County Recorder of the County where the property conveyed is situated. I doubt if it will ever be thought wise or expedient to make copies of Honolulu records for outside Islands. After the Bill has been in operation for ten years, a purchaser of land upon the Island of Hawaii will be practically secure by examining his legal records and assuring himself that his grantor has been in possession for the period of ten years, which is the Statutory period of Limitation.

Trusting that you may be able to present the foregoing views to the members of the Executive Committee and to the members of the House and Senate, I am,

Very truly yours,

(Sgn.)

CARL S. SMITH,  
Executive Committeeman,  
1st Representative District.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Communications were laid on the table to be taken up for consideration with the Bill.

A Communication (No. 13) from John K. Kai, Clerk of the County of Hawaii, transmitting a certified copy of a Resolution passed by the Board of Supervisors of the County of Hawaii, relative to construction and maintenance of public school buildings, was read by the Clerk as follows:

OFFICE OF COUNTY CLERK.  
County of Hawaii.

Hilo, Hawaii, March 2, 1911.

Sir:—

I have the honor to hand you herewith a certified copy of Resolution which was adopted by the Honorable Board of Supervisors of the County of Hawaii, at its regular meeting



held the 1st day of March, A. D. 1911, relating to the control and maintenance of the public school buildings of the County of Hawaii.

Respectfully yours,

JNO. K. KAI,  
Clerk, County of Hawaii.

To the Honorable E. A. Knudsen,  
President, Senate,  
Territory of Hawaii.

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
COUNTY OF HAWAII, TERRITORY OF HAWAII.**

RESOLVED, That the Board of Supervisors of the County of Hawaii herewith petition the Legislature of this Territory to take back under its own control the maintenance of public school buildings or that a larger apportionment of the taxes be paid to the Counties.

RESOLVED FURTHER, That the Board of Supervisors of the County of Hawaii set before the Legislature of the Territory the following considerations which prompt its action.

Under the present apportionment of taxes, it is impossible to maintain the school buildings of this island in efficient repair, much less to construct new buildings which are urgently demanded. While deeply appreciating the claims of the public schools, the Board is powerless, with the means at its disposal, adequately to meet these demands. The school buildings of this island, unlike those of other islands, were in bad condition two years ago when the present system was inaugurated. The cost of upkeep of the schools on this island, where distances are great, population sparse, and rainfall heavy, is much greater per capita than elsewhere. The Board is frank to say that it feels that education is a matter of the most vital Territorial concern, and that uniformity in method and equipment of schools is most desirable to the Territory at large. This being the case, it seems unfair to subject one locality to a disproportionately greater expense in maintaining that uniformity.

The Board of Supervisors of the County of Hawaii feels that under present conditions, it is asked to attempt the impossible, and that the only remedy lies with the Legislature of the Territory.

RESOLVED FURTHER, That copies of these Resolutions be sent to the Governor of the Territory, the President of the

Senate, the Speaker of the House of Representatives, and the Superintendent of Public Instruction.

(Signed)

E. H. AUSTIN,  
Supervisor, North and South Hilo.

Dated, Hilo, Hawaii, March 1st, 1911.

I HEREBY CERTIFY that the above is a true and correct copy of the original, now on file in my office.

JNO. K. KAI,  
County Clerk.

The Communication was received and placed on file, and upon motion by Senator Kalama, seconded by Senator Makekau, the Resolution was referred to the Committee on Education.

A Communication (No. 14) from John K. Kai, Clerk of the County of Hawaii, transmitting a certified copy of a Resolution re belt roads, was read by the Clerk as follows:

OFFICE OF COUNTY CLERK.  
County of Hawaii.

Hilo, Hawaii, March 2, 1911.

Sir:—

I have the honor to hand you herewith a certified copy of Resolution (No. 42), which was adopted by the Honorable Board of Supervisors of the County of Hawaii, at its regular meeting held the 2nd day of March, A. D. 1911, providing for the expenditure of \$600,000.00 upon the Belt Road of the County of Hawaii, the said resolution speaks for itself.

I am,

Respectfully yours,

JNO. K. KAI,  
Clerk, County of Hawaii.

To the Honorable E. A. Knudsen,  
President, Senate,  
Territory of Hawaii.

RESOLUTION.

BE IT RESOLVED by the Supervisors of the County of Hawaii that said Supervisors do hereby express themselves in favor of those two bills known as House Bills numbered 61

and 62 recently introduced by Hon. G. F. Affonso into the House of Representatives for the Legislature of 1911, providing for the expenditure of \$600,000 upon the Belt Road of the County of Hawaii, and to protect the expenditure thereof; and,

BE IT FURTHER RESOLVED that the Board of Supervisors request the Senate and House of Representatives now in session at Honolulu to enact the said bills into laws, and that a certified copy of this Resolution be immediately sent to the President of the Senate and the Speaker of the House of Representatives.

(Signed)

N. K. LYMAN,  
Supervisor, District of Puna.

Dated, Hilo, Hawaii, March 2nd, 1911.

I HEREBY CERTIFY that the above is a true and correct copy of the original, now on file in my office.

JNO. K. KAI,  
County Clerk.

The Communication was received and placed on file, and upon motion by Senator C. Brown, seconded by Senator Makekau, the Resolution was referred to the Committee on Ways and Means.

Senator Judd presented a Report (No. 38) from the Judiciary Committee, to whom had been referred Senate Bill No. 16, reporting adversely on the Bill:

#### REPORT ON SENATE BILL NO. 16.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 16, to amend Section 93 of Chapter 21, Act 39 of the Session Laws of 1905, etc., relating to county attorneys, begs leave to report as follows:

The purpose of this Bill is primarily to prevent any County Attorney from engaging in the practice of law except in behalf of the County or of the Territory. The bill also gives the County Supervisors some discretion over the action of the County Attorney in the matter of claims against the County, where the Supervisors shall consider the claims "unjust or illegal." Your Committee believes that this bill in its present form is an unwise measure at the present time. It would not allow any county attorney to draft a will, or lease, or to give

advice for compensation outside of his official functions. The result of such a law might prevent the counties from obtaining the services, as county attorney, of men whom the voters might earnestly wish to fill such positions.

Your Committee further believes it wrong in principle that the Supervisors should have the power to compel the county attorney to contest claims which in their judgment are "unjust or illegal," believing that the Supervisors from their training cannot be supposed to have any correct idea of the legality of claims against the County.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March 4, 1911.

The Report of the Committee was adopted.

Second Reading of Senate Bill No. 16, entitled "An Act to Amend Section 93 of Chapter 21, Act 93 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.'"

Upon motion by Senator C. Brown, seconded by Senator Makekau, the Bill was tabled.

Senator Judd presented a Report (No. 39) from the Judiciary Committee, to whom had been referred House Bill No. 15, recommending the passage of the Bill:

#### REPORT ON HOUSE BILL NO. 15.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 15, Relating to Road Supervisors and Road Boards, begs leave to report as follows:

This chapter has become a dead letter, and since the formation of the counties has been unnecessary. The subject covered by the chapter is a matter entirely within the province of county administration, and should be taken care of and is

taken care of by the local governments. It is a step in the right direction.

Your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March 4, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Report of the Committee was adopted; House Bill No. 15 passed Second Reading and was placed on the calendar for the Order of the Day for Monday, March 6, 1911, for Third Reading.

Senator Judd presented a Report (No. 40) from the Judiciary Committee, to whom had been referred House Bill No. 23, recommending the passage of the Bill with certain amendments:

#### REPORT ON HOUSE BILL NO. 23.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 23, To amend Chapter 53 of the Revised Laws of Hawaii, relating to sidewalks, begs leave to report as follows:

The matter of sidewalks is a matter which is peculiarly within the province of the County and City and County governments. They are matters of purely local administration, and are something with which the Territory should have nothing to do, leaving the matter entirely to the local administration. This bill seeks to put the matter of sidewalks entirely in the hands of the local authorities, and is a step in the right direction.

Your Committee suggest the following verbal changes in the bill, to wit:

After the phrase

"Superintendent of Public Works" strike out all the remainder of Section 1, and substitute therefor the following words:

"wherever they occur in said chapter, and inserting in lieu thereof the words 'Supervisors of the County or City and

County in which the sidewalks are located,' and by striking therefrom the word 'Superintendent' wherever it occurs in said chapter and inserting in lieu thereof the word 'Supervisors,' and by striking out the word 'his' in line 9 of Section 731 of said chapter and inserting in lieu thereof the word 'their.' "

With the above suggested verbal changes your Committee believes that the bill is in proper form, and recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March 4, 1911.

Upon motion by Senator C. Brown, seconded by Senator Makekau, the Report of the Committee was adopted; House Bill No. 23 passed Second Reading as amended, and was placed on the calendar for the Order of the Day for Monday, March 6, 1911, for Third Reading.

Senator Judd presented a Report (No. 41) from the Judiciary Committee, to whom had been referred Senate Bill No. 9, recommending that the Bill be laid on the table:

REPORT ON SENATE BILL NO. 9.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 9, To amend sections 1856 and 1857 of the Revised Laws of Hawaii, relating to wills, providing that wills and testamentary papers should be kept in the files of the Courts where probated, begs leave to report as follows:

The object to be attained by this bill is to have the custody of wills changed from that by the Supreme Court to that by the Circuit Court in which the will is filed for probate, and to have certified copies sent to the Supreme Court for filing.

Your Committee believes that this bill is premature. Some of the Circuit Courts are not yet provided with suitable places for the keeping of records, and until each court has a proper

courthouse, your Committee believes that the law should remain as it is.

Your Committee recommends that this bill be laid on the table.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

Dated, Honolulu, Hawaii, March 4, 1911.

Upon motion by Senator C. Brown, seconded by Senator Hewitt, the Report of the Committee was adopted, and Senate Bill No. 9 was tabled.

Senator Judd presented a Report (No. 42) from the Judiciary Committee, to whom had been referred House Bill No. 47, recommending the passage of the Bill with certain amendments:

REPORT ON HOUSE BILL NO. 47.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 47, To Provide for Service of Process upon Counties, begs leave to report as follows:

There is at the present time no provision in our statutes for the service of process upon the City and County of Honolulu, or upon the several Counties of the Territory. This condition of affairs, if not remedied, is liable to result in confusion, and perhaps in expensive litigation. This defect should be corrected, and it is believed by your Committee that this bill, with one or two minor changes, will do so.

Your Committee suggests that after the word "upon" in the title of the act, there be inserted the words:

"The City and County of Honolulu," and "the several."

That at the end of Section 1 of the Bill there be added these words:

The word County as herein used shall include "the City and County of Honolulu."

With these suggested changes your Committee recommends the passage of this Bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March 4, 1911.

Upon motion by Senator Kaleiopi, seconded by Senator Robinson, the Report of the Committee was adopted; House Bill No. 47 passed Second Reading and was placed on the Calendar for the Order of the Day for Monday, March 6, 1911, for Third Reading.

Senator Judd presented a Report (No. 43) from the Judiciary Committee, to whom had been submitted Senate Bill No. 12, recommending the passage of the Bill with certain amendments:

#### REPORT ON SENATE BILL NO. 12.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 12, to provide for the giving notice to subsequent purchasers or incumbrancers of the pendency of any action, such or proceeding affecting or concerning the title or the right of possession of real property, begs leave to report as follows:

This bill will introduce into the Hawaiian statute books for the first time the idea of giving constructive notice of litigation concerning the title to real property. Your Committee feels that any means that can be taken to give greater publicity to such an important matter as litigation dealing with land titles is a desirable step forward and a wise provision for the future. It may be observed that the filing of the notice of the pendency of the action is not compulsory.

Your Committee suggests the following verbal changes:

That the word "affected" in line 9 of Section 1 be stricken out, and the word "effected" substituted in lieu thereof.

That all of Section 3 be stricken out after the word "eect" and that in lieu thereof there be substituted the following:

"From and after the date of its approval."



With these verbal changes your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March, 1911.

Upon motion by Senator C. Brown, seconded by Senator Kaleiupu, the Report of the Committee was adopted; the Bill passed Second Reading as amended, and was placed on the calendar for the Order of the Day for Monday, March 6, 1911, for Third Reading.

Senator Judd presented a Report (No. 44) from the Judiciary Committee, to whom had been referred House Bill No. 21, recommending the passage of the Bill:

REPORT ON HOUSE BILL NO. 21.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 21, to Amend Chapter 51 of the Revised Laws of Hawaii, Relating to Cantoniers, begs leave to report as follows:

This Chapter has become a dead letter, and was so even before the formation of counties in the Territory, due to the failure of the Legislature to make the necessary appropriation to carry out the provisions of the Chapter. Formerly under this Chapter there were certain cantoniers on the Pali road up Nuuaun Valley. The matter covered by this Chapter is a matter which belongs to county administration, and is something which should be taken from the hands of the Territorial authorities. This Committee believes in the policy of repealing laws which have become dead letters, and therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Kaleiopu, the Report of the Committee was adopted; House Bill No. 21 passed Second Reading and was placed on the calendar of the Order of the Day for Monday, March 6, 1911, for Third Reading.

Senator Judd presented a Report (No. 45) from the Judiciary Committee, to whom had been referred House Bill No. 42, recommending the passage of the Bill with certain amendments:

#### REPORT ON HOUSE BILL NO. 42.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 42, to Provide for Financial Reports of the City and County of Honolulu, and the several counties, begs leave to report as follows:

The laws as it now stands provides that financial reports shall be made by the Auditor of each County to the Board of Supervisors once a year (Section 84, Act 39 Session Laws of 1905), and the same provision exists in the Municipal Act of the City and County of Honolulu (Section 93 of Act 118, of the Session Laws of 1907), and to these provisions there was added in 1909, a statute (Act 24 of the Session Laws of 1909) directing that reports should be made biennially to the Legislature by the Board of Supervisors of each County.

The objects sought to be attained by the bill now before this Committee are two, first, to have financial statements of each county published quarterly, instead of yearly; and, second, to secure uniformity in these reports by providing that these reports should be made on one form to be prescribed by the Auditor of the Territory. The Committee believes both of these changes to be desirable.

This bill will secure publicity in county matters, and Your Committee are convinced that no influence can be greater or more effective than publicity, in the effort to secure efficiency and economy in county administration. It is thought that the securing of uniformity in these reports will greatly facilitate the work of the Legislature, or of any one else who may have occasion to compare the cost of government in the several counties.

In view of certain verbal changes thought desirable by the Committee, the Committee recommends that all of Section 1 of the Bill be stricken out after the words "Section 1." and that the following be substituted:

"It shall be the duty of the Auditor of the City and County of Honolulu, and of the Auditor of each of the Counties and of the Territory, to prepare and submit to the Board of Supervisors of the City and County of Honolulu, and to the Board of Supervisors of each of the Counties, in the months of January, April, July, and October, respectively in each year, a statistical report showing in compendious form all financial transactions of the City and County, or of the County, as the case may be, for the preceding three calendar months, exhibiting separately the receipts and expenditures by or on account of each office, board, commission, institution and service or work, and classifying the items of income and expenditure according to a plan to be approved by the Auditor of the Territory. The Board of Supervisors of the City and County of Honolulu, and the Board of Supervisors of each of the Counties, shall forthwith transmit such statistical report to the Auditor of the Territory, and cause such report to be published in a newspaper of general circulation within the City and County, or the County, as the case may be.

It shall also be the duty of each Auditor respectively to prepare and submit to the Board of Supervisors, in the month of January in each year a similar report for the preceding calendar year, and each such Board of Supervisors shall transmit the same to the Governor for transmission to the Legislature."

With the above suggested verbal changes, your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March 4, 1911.

Upon motion by Senator Kaleiopu, seconded by Senator Baker, action on the foregoing Report on House Bill No. 42 was deferred until March 6, 1911.

Senator Quinn presented a Report (No. 46) from the Committee on Accounts, to whom had been referred House Concurrent Resolution No. 5, recommending the adoption of the Resolution with certain amendments:

Honolulu, March 4, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Accounts Committee to whom was referred House Concurrent Resolution No. 5 relating to the apportionment of the Federal Appropriation, that the House receive \$20,000.00 and the Senate \$10,000.00, after due and careful consideration begs leave to report as follows:

The sum of \$10,000.00 apportioned by the House we feel inadequate for the expenses of the Senate knowing that we have gone into further expenses for the furnishings of the Senate Chamber, we would, therefore, recommend that the House Concurrent Resolution be amended so that the Senate receive \$12,000.00 instead of \$10,000.00 and the House \$18,000.00 instead of \$20,000.00, out of the Federal Appropriation of \$30,000.

Your respectfully,

E. W. QUINN,

Chairman.

WM. T. ROBINSON,

GEO. C. HEWITT.

Upon motion by Senator Fairchild, seconded by Senator Makekai, the Report of the Committee was adopted.

Senator Baker gave notice of his intention to introduce the following Bills:

1. "An Act to Provide for the Construction of a Belt Road Around the Island of Hawaii, and a Road From Kukuihaele Village to Waipio Gulch in the District of Hamakua, Island of Hawaii, and Making Special Appropriations Therefor."

2. "An Act to Provide for the Reimbursement of the Territory of the Cost of the Belt Road Around the Island of Hawaii, and the Road from Kukuihaele to Waipio Gulch, Hamakua, Island of Hawaii."

Under suspension of the Rules, Senator Baker introduced Senate Bill No. 51, entitled "An Act to Provide for the Construction of a Belt Road Around the Island of Hawaii, and a Road from Kukuihaele Village to Waipio Gulch in the District of Hamakua, Island of Hawaii, and Making Special Appropriations Therefor."

Upon motion by Senator Baker, seconded by Senator Kalama,

the Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Baker introduced Senate Bill No. 52, entitled "An Act to Provide for the Reimbursement of the Territory of the Cost of the Belt Road Around the Island of Hawaii, and the Road from Kukuihaele to Waipio Gulch, Hamakua, Island of Hawaii."

Upon motion by Senator Baker, seconded by Senator Makekau, the Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of House Bill No. 38, entitled "An Act Making Additional Appropriation for the Board of Health for the Biennial Period Ending June 30, 1911."

The Bill was read throughout, and upon motion of Senator Judd, seconded by Senator C. Brown, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Hewitt, Makekau, Robinson, Judd, Chillingworth, Kaleiopu, Kalama, Quinn, Fairchild, President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Pali.

Third Reading of Senate Bill No. 28, entitled "An Act Making an Additional Appropriation for New Buildings and Furnishings for the Kapiolani Girls' Home."

The Bill was read throughout, and upon motion of Senator Robinson, seconded by Senator Chillingworth, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Hewitt, Chillingworth, Judd, Kalama, Kaleiopu, Makekau, Robinson, Fairchild, Quinn, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Pali.

Third Reading of Senate Bill No. 30, entitled "An Act to Amend Section 1 of Act 31 of the Session Laws of 1905, Relating to Licenses for Dealers in Second-hand Goods."

The Bill was read throughout, and upon motion by Senator Baker, seconded by Senator Hewitt, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Hewitt, Chillingworth, Judd, Kalama, Kaleiopu, Makekau, Robinson, Fairchild, Quinn, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Pali.

Second Reading of House Bill No. 26, entitled "An Act to Authorize the Appointment of the Sanitary Commission for Honolulu, and to Appropriate Money for the Expenses of Such Commission."

Senator Judd moved the following amendment, which was seconded by Senator Fairchild, and carried:

"Amend lines 1, 2 and 3 of Section 2 so as to read as follows:

"One member of the commission shall be a civil engineer, one a physician, and one an attorney at law; the members shall be appointed and commissioned by the Governor."

Senator C. Brown moved to amend by inserting after the word "experts" the word "therefore" and thereafter insert "Be it Enacted by the Legislature of the Territory of Hawaii." Seconded by Senator Makekau, and carried.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Bill passed Second Reading as amended, and was placed on the Calendar under the Order of the Day for Monday, March 6, 1911, for Third Reading.

Under suspension of the rules, Senator Judd presented a Report (No. 47) from the Judiciary Committee, to whom had been referred House Bill No. 40, recommending the passage of the Bill:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Judiciary Committee to whom was referred House Bill No. 40, being "An Act to Accept the Gift of W. G. Irwin to the Honolulu Park Commission" of certain land situate within the boundaries of Kapiolani Park, report as follows:

The preamble of the Act states substantially the cause of its introduction, and its enactment will carry into effect the condition contained in the deed conveying the property which is as follows: "Provided, however, that if the Legislature of the Territory of Hawaii shall not within four years from the date hereof (July 8th, 1910), provide for adding the said tract of land and premises hereby remised, released and quit-claimed or intended so to be, to the Kapiolani Park so that the said tract of land and premises shall become or be deemed to be a part or parcel of the said Kapiolani Park to all intents and purposes as if the same had formed part of the said Kapiolani Park was first made a permanent park and re-

creation ground, then the said Honolulu Park Commission, and its successors in trust, shall hold the said tract of land and premises hereby demised, released and quit-claimed in trust for the said William G. Irwin, his heirs and assigns forever."

The property deeded is within the boundaries of the Park and is in its possession, and unless this conveyance had been made and the property conveyed in fee, it would have left a strip of land between the mauka roadway and other property that would have been a serious loss.

We recommend that the Act pass.

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU.

Honolulu, March 4, 1911.

Upon motion by Senator Kalama, seconded by Senator Kalei-opu, the Report of the Committee was adopted; House Bill No. 40 passed Second Reading and was placed on the Calendar for the Order of the Day for Monday, March 6, 1911, for Third Reading.

By request of Senator Robinson, Second Reading of Senate Bill No. 16 was deferred until Monday, March 6, 1911, and placed on the Order of the Day.

A Communication (No. 46) from the House of Representatives, transmitting House Bill No. 78, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 78, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,

Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 78, entitled "An Act to Establish a Commission for the Promotion of Uniformity of Legislation in the United States."

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Bill passed First Reading by Title, and was referred to the Judiciary Committee.

At 11:28 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## SIXTEENTH DAY.

Monday, March 6, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Quinn absent.

The Journal of the Fifteenth Day was read and approved.

A Communication (No. 47) from the House of Representatives, informing the Senate that the House had concurred in the Senate amendments made to House Bill No. 38, was read by the Clerk as follows:

### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform you that the amendments made



by your Honorable Body to House Bill No. 38 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully your,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 25) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, informing the Senate that the Governor had signed Senate Bill No. 25, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 6, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor on March 4, 1911, signed the following bill:

Senate Bill No. 25, as Act 7, entitled "An Act to Provide for the Publication of the Decisions of the United States District Court for Hawaii."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Senator J. T. Brown presented a Report (No. 48) from the Printing Committee, stating that Senate Bills Nos. 37, 38, 40, 43, 45, 46 and 47 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator J. T. Brown presented a Report (No. 49) from the Printing Committee, stating that Senate Bills Nos. 48 and 49 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Fairchild presented a Report (No. 50) from the Committee on Ways and Means, to whom had been referred House Bill No. 4, recommending the passage of the Bill:

## SENATE CHAMBER.

Honolulu, T. H., March 6, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 4, entitled "An Act Making Appropriations for the Repair, Partial Remodeling and Reconstruction, and Furnishing of the Judiciary Building and Moving and Temporary Accomodations Incidental Thereto" has had the same under due and careful consideration, and beg leave to report as follows:

The objects for which the appropriation is required the Committee finds, are as stated in the title of the bill. The present condition of the Judiciary Building demands that immediate adequate repairs be made before serious damage results. It is called to the attention of the Committee, that several times during the past year, large portions of the ceiling plaster fell and only by mere chance that persons then within the Court Chambers on the second floor were not seriously injured or killed.

Furthermore, the large increase in the amount of business done by the several judges of the First Judicial Circuit, headed by the Supreme Court, brought about a condition which requires more spacious quarters for the filing of records, the transaction of business, and for the preservation of the valuable library maintained for the use of the courts and members of the bar.

In view of these facts, the Committee therefore recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON.  
Member.

J. T. BROWN,  
Member.

CECIL BROWN,  
Member.

The Report of the Committee was adopted, and consideration of House Bill No. 4 on Second Reading was deferred until Tuesday, March 7, 1911.

Senator Fairchild presented a Report (No. 51) from the Committee on Ways and Means, to whom had been referred Senate Bill No. 20, recommending that the Bill be laid on the table.

The Report of the Committee was read by the Clerk as follows:

SENATE CHAMBER.

Honolulu, March 6, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill No. 20, entitled "An Act to Amend Section 1 of Act 98 of the Session Laws of 1907, Relating to the Pay of Laborers Engaged at Public Works," introduced by the Hon. D. K. Baker, has had the same under due and careful consideration, and beg leave to report as follows:

The bill seeks to raise the minimum wages of laborers upon all public works, territorial or otherwise, from \$1.25 as in Act 98 aforesaid, to \$2.00 per diem. The inequality in the ability of laborers to perform like service, demands that personal sympathies be not enacted into law. The present law gives the several Boards of Supervisors or any supervising territorial official the right to engage labor at any rate of wages not less than \$1.25. The bill, however, seeks to make it compulsory that any and all laborers be paid the \$2.00 per day minimum, and upwards.

Your Committee has received protests from the Board of Supervisors of each County, including the City and County of Honolulu. All agree on the point mentioned above, to wit: that the present law gives them the right to pay any wages to which a laborer is entitled according to his ability to labor not less than \$1.25. They recommend that the law be not amended.

Your Committee therefore, recommends that Senate Bill No. 20 be laid on the table.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON.  
Member.

CECIL BROWN,  
Member.

J. T. BROWN,  
Member.

Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Report of the Committee was received and placed on file, to be taken up for consideration with the Bill on Second Reading on Friday, March 10, 1911.

Senator Fairchild presented a Report (No. 52) from the Committee on Ways and Means, to whom had been referred House Bill No. 28, recommending the passage of the Bill with certain amendments, which was read by the Clerk as follows:

SENATE CHAMBER.

Honolulu, March 6, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 28, entitled "An Act to Amend Section 1418G of the Revised Laws of Hawaii Relating to Licenses as Amended by Act 96 of the Session Laws of 1907" has had the same under due and careful consideration and beg leave to report as follows:

The bill seeks to graduate the license fees relating to the sale of goods, wares and merchandise, whereby, the merchant will pay in accordance with the amount of business transacted, which, in the opinion of the Committee, is a very just and proper apportionment of fees.

The present and existing law relating thereto is deemed unfair. It places a burden on the small dealer who can hardly meet his obligations, and lets off very lightly the wealthy dealer who does a greater amount of business.

Your Committee therefore recommends the passage of the Bill with the following amendments:

1. Amend the title by inserting the words "of Hawaii" after the word "Laws" in line 2 of the original Bill; and also,
2. Amend the first line of Section one thereof by inserting the words "of Hawaii" after the word "Laws."

These amendments are made in order to comply with the provisions of Section 1, Act 3, of the Session Laws of 1905.

Respectfully submitted.

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON.  
Member.

J. T. BROWN,  
Member.

CECIL BROWN,  
Member.

The Report of the Committee was received and placed on file, to be taken up for consideration with the Bill on Second Reading on Wednesday, March 8, 1911.

Senator Baker gave notice of his intention to introduce the following Bills:

1. "An Act Declaring and Designating a Certain Tract of Government Land at Kalama 5, Napoopoo, South Kona, Hawaii, as a Public Park."

2. "An Act Providing the Supervision of Public Parks to Various Counties or City and County, Repealing Sections 772 and 778 of the Revised Laws of Hawaii."

Under suspension of the rules, Senator Baker introduced Senate Bill No. 53, entitled "An Act Declaring and Designating a Certain Tract of Government Land at Kalama 5, Napoopoo, South Kona, Hawaii, as a Public Park."

Upon motion by Senator Baker, seconded by Senator Makekau, the Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Baker introduced Senate Bill No. 54, entitled "An Act Providing the Supervision of Public Parks to Various Counties or City and County, Repealing Sections 772 and 778 of the Revised Laws of Hawaii."

Upon motion by Senator Baker, seconded by Senator Hewitt, the Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd gave notice of his intention to introduce a Bill

entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905 Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909 Relative to a Tax on Incomes for Immigration Purposes."

Under suspension of the rules, Senator Judd introduced Senate Bill No. 55, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905 Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909 Relative to a Tax on Incomes for Immigration Purposes."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Robinson gave notice of his intention to introduce a Bill entitled "An Act to Amend Sections 391, 392 and 393 of the Revised Laws of Hawaii, Relating to Fences."

Under suspension of the rules, Senator Robinson introduced Senate Bill No. 56, entitled "An Act to Amend Sections 391, 392 and 393 of the Revised Laws of Hawaii, Relating to Fences."

Upon motion by Senator Robinson, seconded by Senator C. Brown, the Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 26, entitled "An Act to Authorize the Appointment of the Sanitary Commission of Honolulu, and to Appropriate Money for the Expenses of Such Commission."

The Bill was read throughout, and upon motion by Senator Judd, seconded by Senator Kaleiupu, the Bill passed Third Reading on the following Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of Senate Bill No. 12, entitled "An Act to Provide for the Giving of Notice to Subsequent Purchasers or Incumbrancers of the Pending of Any Action, Suit or Proceeding Affecting or Concerning the Title or the Right of Possession of Real Property."

The Bill was read throughout, and upon motion by Senator

C. Brown, seconded by Senator Judd, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 40, entitled "An Act Accepting the Gift of William G. Irwin to the Territory of Hawaii of Certain Lands Situate at Waikiki, Oahu, as an Addition to Kapiolani Park."

The Bill was read throughout, and upon motion of Senator Fairchild, seconded by Senator Makekau, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 15, entitled "An Act to Repeal Chapter 50 of the Revised Laws, Relating to Road Supervisors and Road Boards."

The Bill was read throughout, and upon motion by Senator Pali, seconded by Senator Baker, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 23 entitled "An Act to Amend Chapter 53 of the Revised Laws, Relating to Sidewalks."

The Bill was read throughout, and upon motion by Senator C. Brown, seconded by Senator Chillingworth, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 47, entitled "An Act to Provide for Service of Process Upon Counties."

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 21, entitled "An Act to Repeal Chapter 51 of the Revised Laws, Relating to Cantoniers."

Upon motion by Senator Pali, seconded by Senator Baker, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Pali, Robinson, and President Knudsen. Total, 12.

Noes: Senator Makekau.

Absent and not voting: Senator Quinn.

Reconsideration of House Bill No. 21 on Third Reading.

Upon motion by Senator Hewitt, seconded by Senator Makekau, House Bill No. 21 passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Second Reading of House Bill No. 42, entitled "An Act to Provide for Financial Reports of the City and County of Honolulu and the Several Counties."

Upon motion by Senator C. Brown, seconded by Senator Makekau, the Report of the Judiciary Committee (Rep. No. 45) was adopted; the Bill passed Second Reading and was placed on the Calendar under the Order of the Day for March 7, 1911, for Third Reading.

Senator Chillingworth presented a Report (No. 53) from the Committee on Health to whom had been referred House Bill No. 12, recommending the passage of the Bill with certain amendments, which was read by the Clerk as follows:



Honolulu, Oahu, March 6, A. D. 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Health have had under consideration House Bill No. 12, and would recommend the passage of the Bill with the following amendment, i. e.

In Section 1, line 11, strike out the words "put up in hermetically sealed tubes" as your Committee is of the opinion that scarifiers and points do not come put up in hermetically sealed tubes, and believes the phrase "which have been rendered aseptic" in line 12 of said Bill a sufficient safeguard against infection.

Respectfully submitted,

CHARLES F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD.

Upon motion by Senator Chillingworth, seconded by Senator Kaleiopu, the Report of the Committee was received and placed on file, to be taken up for consideration with the Bill on Second Reading on Tuesday, March 7, 1911.

Senator Chillingworth presented a Report (No. 54) from the Committee on Health, to whom had been referred Senate Bill No. 21, recommending that the Bill be referred to a Special Committee composed of the Senators from the Island of Hawaii, which was read by the Clerk as follows:

Honolulu, March 6, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Herewith your Committee on Health begs leave to return to the Senate, Senate Bill No. 21, with the recommendation that it be referred to a Special Committee composed of the members from Hawaii.

Your Committee, however, is of the opinion that the matter of Hospitals as asked for in this Bill should be left to the Board of Supervisors of the County of Hawaii as the County

Supervisors are in possession of all the facts and has full authority to erect and maintain hospitals wherever they so deem proper.

The Legislature would be imposing upon the County of Hawaii the responsibility of meeting the expenses of the proposed Hospitals without giving them an opportunity to express their wishes in the premises as the Bill is mandatory in its form. The Bill would be a distinct step backward in the establishment of responsible local self-government in this Territory.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD.

The Report of the Committee having been adopted, Senate Bill No. 21 was referred to a Special Committee composed of the Senators from the Island of Hawaii.

Second Reading of Senate Bill No. 37, entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii and to Appropriate Money to Make Said Chapter Effective."

The Bill was read throughout, and upon motion by Senator C. Brown, seconded by Senator Chillingworth, passed Second Reading, and was placed on the Calendar under the Order of the Day for Tuesday, March 7, 1911, for Third Reading.

Second Reading of Senate Bill No. 38, entitled "An Act to Amend Act 152 of the Revised Laws of 1909, Entitled 'An Act Relating to the Disposition of Fines and Costs and Bail Money in Certain Cases.'"

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 40, entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii as Amended by Act 96 of the Session Laws of 1907, by Amending Sections 1418G and 1418H Thereof, and by Adding Thereto a New Section to be Known as 'Section 1418J.'"

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 43, entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 45, entitled "An Act to Amend Subdivision 4A of Section 9, Act 39 of the Session Laws

of 1905, Relating to the General Powers, Liabilities and Limitations of Counties as Amended by Act 100 of the Session Laws of 1909."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 46, entitled "An Act Relating to Expenses of District Magistrates, Amending Act 122 of the Session Laws of 1909."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 47, entitled "An Act Relating to Circuit Court Receipts and Expenses."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 48, entitled "An Act to Provide Public Loans for the County of Hawaii."

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Bill was referred to a Special Committee composed of the Senators from the Island of Hawaii.

Second Reading of Senate Bill No. 49, entitled "An Act to Appropriate Money for the Purpose of Paying Claim of James Quinn Against the Territory of Hawaii."

Referred to the Committee on Ways and Means.

Senator Robinson gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 93 of Chapter 21, Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

Under suspension of the rules, Senator Robinson introduced Senate Bill No. 57, entitled "An Act to Amend Section 93 of Chapter 21, Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

Upon motion by Senator Robinson, seconded by Senator Makenau, the Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Fairchild gave notice of his intention to introduce a Bill entitled "An Act Relating to the Records in the Office of the Clerk of the Judiciary Department."

Under suspension of the rules, Senator Fairchild introduced Senate Bill No. 58, entitled "An Act Relating to the Records in the Office of the Clerk of the Judiciary Department."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 11:45 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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SEVENTEENTH DAY.

Tuesday, March 7, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senators Kalama and Quinn absent.

The Journal of the Sixteenth Day was read and approved.

A Communication (No. 26) from the Chief Clerk of the Office of the Secretary of the Territory, informing the Senate that the Governor had signed House Bill No. 38, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 6, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to notify your Honorable Body that the Governor has this day signed the following bill:

House Bill No. 38, Act 8, entitled "An Act Making Additional

Appropriations for the Board of Health for the Biennial Period Ending June 30, 1911."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 27) from C. H. Medcalf, Secretary to the Governor, transmitting Report of the Commission on Stamp Duties and Licenses, was read by the Clerk as follows:

EXECUTIVE CHAMBER,  
Honolulu, Hawaii.

March 6, 1911.

Mr. John Wise,  
Clerk of the Senate.

Dear Sir:—

I am directed by the Governor to transmit herewith a copy of the report of the Commission on Stamp Duties and Licenses, which has been filed this day, and to state that the same will be printed in pamphlet form for distribution as soon as possible.

Respectfully yours,

C. H. MEDCALF,  
Secretary of the Governor.

Honolulu, T. H., March 6, 1911.

To the Honorable Walter F. Frear,  
Governor of Hawaii,  
Honolulu.

Sir:—

The Commission appointed in pursuance of Joint Resolution No. 7 of the Legislature of the Territory of Hawaii, approved the 28th day of April, 1909, beg leave to report as follows:

By the terms of this Joint Resolution the Commission, which was to be known as the Commission on Stamp Duties and Licenses, was required "to examine and investigate the present schedule of stamp duties and the license system of the Territory; consider their operation, effect and equitableness, and general adaptability with respect to existing conditions, and

consider ways and means for the revision and improvement of said schedule and system as they shall deem necessary or advisable."

It appearing by the opening or recital clause of said Resolution that the present schedule of stamp duties and license system is "in various respects unsatisfactory and unfair in operation and effect," we have carefully examined the laws of the Territory bearing on these subjects.

### 1. STAMP DUTIES.

We find that the general sentiment of the community is averse to the present system requiring the payment of stamp duties on transfers of property. The condemnation of the existing stamp duty is practically unanimous. While the general feeling or opinion is that the duties should be abrogated entirely, yet a small minority of the persons interviewed by us recommend that, owing to the financial needs of the Territory, the duties should not be removed but in certain cases should be greatly reduced.

The removal or reduction of these duties may require that some other method be devised to make good the consequent loss in revenue to the Territory, but, while it is not within the scope of duty of the Commission to consider in what manner this deficit may be supplied, we believe that the recommendation made by us, if adopted, will result in no great, if any, loss to the Territory.

So far as we have been able to learn, in no state of the Union and in no territory of the United States, other than this, are stamp duties imposed. They have been imposed by the Federal Government from time to time as a temporary means of raising revenue in periods of national stress. The absence of legislation imposing such duties in other parts of the Union is entitled to great weight in so far as it may be considered as showing the existence of strong public sentiment against it.

The stamp duty imposed by the Federal Government extended to almost every commercial transaction, and the contribution to the national treasury was thus generally distributed over the community.

Such duties are imposed in Great Britain, but in that country they are imposed on transfers of land, of shares of stock in corporations, and of other personal property of all descriptions, and in many other cases, such as inland bills of exchange, promissory notes, bills of lading, receipts for money paid, and generally on all business transactions requiring documentary or written evidence, so that the burden is borne

in some measure by all engaged in business throughout the country.

The principal recommendations for such a duty are that it is a very simple and effective means of raising revenue, and that, as Professor Cooley in his work on taxation says, the cost of collection is but a small percentage of the sum realized and few evasions of payment are practicable; the latter argument holds good, however, only where the penalty for non-compliance with the law is sufficiently high to deter evasion. In Great Britain the minimum penalty is equal to Fifty Dollars and some instruments cannot be stamped even after payment of the penalty, and, being unstamped, are accorded no validity in the courts.

The Legislature of 1909 placed itself of record in the Joint Resolution under which this Commission was organized as being of the opinion that the present system is in various respects "unsatisfactory and unfair."

We find that the law of Hawaii, inasmuch as it imposes a burden of a stamp duty on transfers of certain species of property and not on all, is arbitrary and indefensible on any logical or rational ground. Transfers of shares of stock in Hawaiian corporations, not being required to be made by deed or other instrument, are exempt from stamp duties. Transfers of land, which are required to be in writing, are subject to the duties. We can conceive no logical reason for levying a duty on the transfer of property by deed and for levying none on transfers of stock. Shares of stock are made personal property by statute, and another statute provides for their transfer in a very simple and convenient manner, viz., by endorsement and delivery of the certificate representing the shares. But by such endorsement and delivery an interest in real and personal property is transferred, for the share confers on the holder thereof an interest in all of the assets of the corporation issuing the same. Thus interests in real and personal property are practically transferred free from liability for stamp duty. Transfers of other personal property, either absolute or by way of security, and transfers of land, which as they involve questions of title are cumbersome and expensive, are subject to the duty.

But it is mainly upon transfers of land and interests therein that the burden of these stamp duties falls, for transfers of personal property other than leasehold interests in land and other than transfers made by way of security, are generally made by delivery, seldom reduced to writing, and therefore are exempt. It is to be borne in mind also that as the number of corporations multiplies the amount of property transferred in the form of shares of corporations will increase, and with

such increase the number of exemptions from stamp duty will grow in equal degree.

No explanation for the difference of treatment between real and personal property has been suggested to this Commission, nor can the members thereof conceive of anything to justify the differentiation. Under the general taxation law of the Territory all real and personal property is taxed a certain percentage of its full cash value and, this taxation being uniform, the burden of the support of the Government is borne proportionately by all enjoying its protection; but the stamp duty now existing has no such justification and those who bear its burden receive no special benefit in return therefor.

It is generally conceded that the amount of the duty is excessive. It could not probably be said that any person ever refrained from buying or leasing land because of the stamp duty required on the instrument that would become necessary in case the transaction were consummated, but it cannot be doubted that in many cases the duty has been quite a burden. The removal or reduction of the duty would be in accord with the tendency of the times to encourage the free alienation of land, to create as many land owners as possible and, in some countries to insist upon the subdivision of large estates into smaller holdings.

We find that the existing stamp duties are not only excessive but, bearing mainly as they do upon transfers of land and interests therein, are also inequitable and indefensible in principle. To justify any stamp duties the transfers of property of every description should be equally subject thereto. The inequitable features could not be removed merely by a reduction in the amount of the stamp duties. If these inequitable features could not be largely, if not altogether, removed, we would be driven to the recommendation of a repeal of all stamp duties insofar as they are imposed on transfers of property, but, believing that they can be to a large extent removed, we recommend that the ad valorem duties be removed; that a uniform stamp duty of one dollar be imposed upon all transfers of property, and that the laws of Hawaii respecting stamp duties be further amended so as to embrace specifically transfers of stock. This could be effected by legislation providing that new certificate of stock shall be issued and no transfer of any certificate be recorded on the books of any corporation unless the necessary stamp be affixed to the old certificate and cancelled by the transferror.

The penalty under the present system for the evasion of the stamp duty is one hundred per cent of the value of the duty. Evasion is practiced not in the larger but in the smaller transactions and we believe that many documents, such as bills of sale and leases which the parties thereto do not consider ne-



cessary to record, are left unstamped. Thus a considerable loss in revenue results to the Territory. We recommend that the penalty for evasion of the stamp duty be substantially increased with a view to deter such evasion.

## 2. LICENSES.

In the year 1896 a careful and thorough revision was made of the license laws theretofore existing in Hawaii and we find that the license law then enacted, as amended by subsequent statutes, is in the main satisfactory to the business community and fair in its operation.

Act 40 of the Laws of 1905—a statute regulating the practice of veterinary medicine and requiring veterinaries to be licensed—was declared unconstitutional by the Supreme Court of the Territory on June 19, 1908, on the ground that it was by its terms applicable only to a town and suburbs with a population of over five thousand inhabitants. This statute should be repealed, and if it is considered desirable that the practice of veterinary medicine should be regulated, further legislation will be necessary.

The Supreme Court has also had to consider the question of the validity of the statute fixing the amount of auctioneers' licenses. (See *Territory v. Toyota*, 19 Haw. 651). The Court upheld the statute on the ground that it could not interfere with the judgment of the Legislature exercised in classifying the amount of the fee, even though the Court should be of the opinion that the judgment exercised was unwise or perhaps oppressive. It will be noticed that the fee required in Honolulu is forty times that required in any other district. When dealing with banking licenses the Legislature of 1907 placed the annual fee for a license in Honolulu at Seven Hundred and Fifty Dollars; in Hilo at Five Hundred Dollars, and in all other places at Two Hundred and Fifty Dollars. The Act then passed was attacked in the Supreme Court on the ground that it discriminated arbitrarily between different portions of the Territory; the Court however, having before it evidence that the population of Honolulu was about Forty Thousand, that of Hilo Twenty Thousand, and of all other places in the Territory less than that of Hilo, held that the Act was not in any way oppressive, arbitrary or unequal. We believe that in respect to auctioneers' licenses some kind of classification should be made by the Legislature; that the fee for the license to engage in the business in Honolulu is excessive and out of all proportion to that required for other business, and that license fees should be fixed at such amounts as to encourage business and not to prevent people from embarking therein. We recommend therefore, as Sections 1344-1346 Revised Laws of Hawaii

would seem fully to protect the public against the danger of irresponsible persons engaging in the business, that the license fee for Honolulu be substantially reduced, and that in place of the, as appears to us, arbitrary fixing of the fees for other places, they be fixed either in proportion to the amount of business done or the population of the place in which the business is conducted.

Respectfully submitted,

W. L. STANLEY,  
RICHARD H. TRENT,  
G. F. BUSH.

The Communication and Report of the Commission were received and placed on file.

A Communication (No. 48) from the House of Representatives, informing the Senate that the House had concurred in the amendments made by the Senate to House Bill No. 47, was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the amendments made by the Senate to House Bill No. 47 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 49) from the House of Representatives, informing the Senate that the House had failed to concur in the amendments made by the Senate to House Concurrent Resolution No. 5, was read by the Clerk, as follows:

## SENATE JOURNAL.

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii, this day, failed to concur in the amendments made by the Senate to House Concurrent Resolution No. 5, and that the Speaker of the House has appointed the following as a conference committee to confer with a like committee to be appointed by the President of the Senate for the further consideration of said Concurrent Resolution:

Representatives Coney, Watkins and Waiaholo.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file and Senators Chillingworth, Baker and Pali were appointed Senate Conferees on House Concurrent Resolution No. 5.

A Communication (No. 50) from the House of Representatives, transmitting House Bill No. 46, was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 46, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 46, entitled "An Act to Amend Section 2381 of the Revised Laws, Relating to the Recording of Certain Instruments, and Adding a New Section to be known as Section 2381A."

Upon motion by Senator Pali, seconded by Senator Hewitt, the Bill passed First Reading by Title and was referred to the Printing Committee.

A Communication (No. 51) from the House of Representatives, returning Senate Concurrent Resolution No. 2, was read by the Clerk, as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Resolution No. 2, which was this day, adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

**EDWARD WOODWARD,**  
Clerk, House of Representatives.

The Communication was received and placed on file.

Senator J. T. Brown presented a Report (No. 55) from the Printing Committee, stating that Senate Bills Nos. 56 and 57 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator J. T. Brown presented a Report (No. 56) from the Printing Committee, stating that Senate Bill No. 50 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Judd presented a Report (No. 57) from the Judiciary Committee to whom had been referred Senate Bill No. 33, recommending that the Bill be referred to a Select Committee to be composed of the Senators from Oahu, was read by the Clerk, as follows:

## REPORT ON SENATE BILL NO. 33.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 33, Amending Act 118 of the Session Laws of 1907 and Repealing Chapter XI Thereof, beg leave to report as follows:

Your Committee suggest the following verbal changes in the bill, to wit:

That all of paragraph A and paragraph (A) to be stricken out and in place thereof the following substituted:

"(A). Within ten days after any election held under this Act one of the Circuit Judges shall recount all of the ballots cast at such election and shall immediately tabulate the same and ascertain the result of the election. Such recount and tabulation shall be made in the presence of any candidate at said election or his agent who desires to be present. The Candidate for each office who received the highest number of votes shall be declared elected, and the Circuit Judge shall immediately deliver to the persons elected certificates of election. The Chief Justice shall at least ten days before any election designate the Circuit Judge to recount the ballots as herein provided.

"Provided whenever on account of disqualification, inability to attend, vacancy in office, or any other cause or causes the Circuit Judge so designated cannot preside at the proceedings contemplated by this Act, some other Circuit Judge shall be designated by the Chief Justice to preside at such proceedings."

That in the last line of paragraph (C) after the word "such" there be inserted the following words:

"Candidate or."

That the word "herein" in the last line of paragraph (D) be stricken out, and that there be substituted in lieu thereof the word "therein."

This bill having entirely to do with the City and County of Honolulu, your Committee recommends that this bill be referred to a select Committee of the Oahu members.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 7, 1911.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted, and Senate Bill No. 33 was referred to a Select Committee consisting of the Senators from Oahu.

Senator Judd presented a Report (No. 58) from the Judiciary Committee, to whom had been referred Senate Bill No. 45, recommending the passage of the Bill with certain amendments:

**REPORT ON SENATE BILL NO. 45.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee to whom was referred Senate Bill No. 45, to Amend Subdivision 4a of Section 9, Act 39 of the Session Laws of 1905, Relating to the General Powers, Liabilities and Limitations of Counties as Amended by Act 100 of the Session Laws of 1909, begs leave to report as follows:

The owners of premises in Wailuku, Maui, which have water rights appurtenant to them have been compelled to pay for the cost of installation of water meters, and rent for the same, as well as for paying for the water received by them. This bill provides that the owners of premises having vested water rights appurtenant thereto shall not be compelled to pay for the installation of meters, nor for rent for the use of the same.

Your Committee suggests the following verbal changes: That in line 6 of paragraphs "4A" there be inserted after the word "laws" the following words: "appurtenant to such premises."

That in line 7 of said paragraph the words "operation" and "there" be stricken out, and in place thereof the word "use" and "Such" respectively be substituted. That in line 15, after the word "existing" there be inserted the word "public."

With these suggested changes, your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 7, 1911.

Upon motion by Senator C. Brown, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 45 passed Second Reading and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 59) from the Judiciary Committee, to whom had been referred House Bill No. 27, recommending the passage of the Bill with certain amendments:

#### REPORT ON HOUSE BILL NO. 27.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 27, To Amend Section 69 of Chapter 7 of the Revised Laws of Hawaii, Relating to Elections, begs leave to report as follows:

This bill seeks to amend the election laws by adding to them a very desirable provision, enabling the party affiliation or the non-partisanship of the candidate to be shown on the ballots. Your Committee suggests the following verbal changes in the bill:

That the words "or the County Clerk" in lines 9 and 10 of Section 1, and the words "or the County Clerk, as the case may be," in lines 11 and 12 of Section 1, of said bill, be stricken out, for the reason that these words are unnecessary in view of the provisions of Section 29 of the County Act, and of Section 40 of the Municipal Act.

With these suggested changes, your Committee believes this bill is in proper form, and therefore recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

I do not concur,

R. H. MAKEKAU,

Committee.

Dated, Honolulu, Hawaii, March 7, 1911.

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Report of the Committee was adopted; House

Bill No. 27 passed Second Reading and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 60) from the Judiciary Committee, to whom had been referred House Bill No. 64, recommending the passage of the Bill, was read by the Clerk as follows:

REPORT ON HOUSE BILL NO. 64.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee to whom was referred, House Bill No. 64, To Amend Section 1272 of the Revised Laws of Hawaii, Relating to Procedure for Enforcing Payment of Delinquent Taxes Assessed Against Unknown or Non-resident Persons, begs leave to report as follows:

The intention of this bill is to facilitate the collection of delinquent taxes. Under the present law, if a man owns property on Maui, for instance, and lives on say Kauai, and is delinquent, it is necessary that the Assessor on Maui, where the property is located, shall go to Kauai to sue this man, take his books with him, and incur large expenses. In many instances where the amounts are small the expenses are larger than the amount that can be recovered. Under the proposed bill suit could be brought in the District Court within whose jurisdiction the property is located, and service of process could be secured by publication and by mail. This will all mean a large saving of expense to the Government.

For the reasons above stated, your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 7, 1911.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 64 passed Second Reading and was placed on the Order of the Day for Third Reading.



Senator Judd presented a Report (No. 61) from the Judiciary Committee, to whom had been referred House Bill No. 78, recommending the passage of the Bill with certain amendments, was read by the Clerk as follows:

REPORT ON HOUSE BILL NO. 78.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 78, To Establish a Commission for the Promotion of Uniformity of Legislation in the United States, begs leave to report as follows:

Your Committee suggests that the title of said bill be changed so as to read as follows:

"To Establish a Commission for Hawaii to Co-operate in the Promotion of Uniformity of Legislation in the United States."

Your Committee considers it very desirable that we should join with the States and Territories of the United States in the effort to secure uniform laws on as many subjects as possible. It is of very great value to all business men to have uniform laws in the different States and Territories on the same subject, and it will be to the advantage of Hawaii to join in movements of this kind, and to be known throughout the States as having uniform laws on the same general subjects as they have.

With the above suggested change your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 7, 1911.

Senator Judd offered the following further amendment:

Amend Section 1, line 1, by inserting after "Commission for" the words "Hawaii to Cooperate in"

Seconded by Senator C. Brown and carried.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee on the Bill was adopted:

the Bill passed Second Reading, as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Kaleiupu gave notice of his intention to introduce a Bill entitled "An Act Making Special Appropriations for the Relief of Persons Whose Personal Effects Were Destroyed by Order of the Board of Health on Account of Cholera."

Under suspension of the rules, Senator Kaleiupu introduced Senate Bill No. 59, entitled "An Act Making Special Appropriations for the Relief of Persons Whose Personal Effects Were Destroyed by Order of the Board of Health on Account of Cholera."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Baker gave notice of his intention to introduce a Bill entitled "An Act Relating to the Administration of the County of Hawaii, and to Amend the Form of Government Thereof."

Under suspension of the rules, Senator Baker introduced Senate Bill No. 60, entitled "An Act Relating to the Administration of the County of Hawaii, and to Amend the Form of Government Thereof."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator J. T. Brown presented a Concurrent Resolution (No. 5) relating to homesteaders on the Island of Hawaii, which was read by the Clerk as follows:

#### CONCURRENT RESOLUTION.

WHEREAS, the Commissioner of Public Lands has issued notices to various homesteaders in the Territory of Hawaii,

That certain homestead agreements are cancelled and said lands are to revert to the Government; and

WHEREAS, the homestead agreements that are cancelled are held by the poorer people of the Territory who have spent most of their earnings and lived on the lands and erected houses in accordance with their means, who would feel the hardships if said homestead agreements are cancelled without giving the said people further time to make good their contracts,

THEREFORE, BE IT RESOLVED, in the Senate of the Territory of Hawaii and the House of Representatives concurring that the Commissioner of Public Lands is and he is hereby authorized and requested to forward notices to all parties that have been ordered to vacate their homesteads that an exten-

tion of six months' time is allowed to each and every homesteader in which to pay all interests and claims to the said Territory; and

BE IT FURTHER RESOLVED that when any homesteader fails to comply with the conditions of homesteading and before final cancellation is to be made the Commissioner of Public Lands shall issue an order in writing, keeping a copy of said order on file, stating that unless payments are made upon delinquents within six months from date of notice then the said argreement shall be cancelled, and in case a homesteader cannot be found, due notice shall be published in the newspapers of said notice for 8 months thereafter;

AND BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be forwarded to the Governor of the Territory of Hawaii and to the Commissioner of Public Lands.

JOHN T. BROWN,  
Senator, 1st Senatorial District.

Honolulu, March 7, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Resolution was referred to the Judiciary Committee.

Senator Hewitt gave notice of his intention to introduce a Bill entitled "An Act Making Special Appropriations for the Payment of Certain Claims against the Territory of Hawaii Incurred Prior to the Thirtieth Day of June, A. D. 1909."

Under suspension of the rules, Senator Hewitt introduced Senate Bill No. 61, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the Thirtieth Day of June, A. D. 1909."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of House Bill No. 42, entitled "An Act to Provide for Financial Reports of City and County of Honolulu and the Several Counties."

Upon motion by Senator C. Brown, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kaleiopu, Makekau, Pali, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Kalama, Quinn and Robinson.

Third Reading of Senate Bill No. 37, entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii, and to Appropriate Money to Make Said Chapter Effective."

The Bill was read throughout, and upon motion by Senator Pali, seconded by Senator C. Brown, passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kaleiopu, Makekau, Pali, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Kalama, Quinn and Robinson.

Second Reading of House Bill No. 4, entitled "An Act Making Appropriations for the Repair, Partial Remodeling, and Reconstruction and Furnishing of the Judiciary Building, and for Moving and for Temporary Accommodations Incident Thereto."

Upon motion by Senator Fairchild, seconded by Senator J. T. Brown, the Bill passed Second Reading and was placed on the Calendar under the Order of the Day for March 8, 1911, for Third Reading.

Second Reading of House Bill No. 12, entitled "An Act to Amend Section 1019 of the Revised Laws of Hawaii as Amended by Act 63 of the Session Laws of 1909, Relating to Vaccination."

Upon motion by Senator Makekau, seconded by Senator Baker, the Bill was tabled.

Second Reading of House Bill No. 50, entitled "An Act to Provide for Public Improvements."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 56, entitled "An Act to Amend Sections 391, 392 and 393 of the Revised Laws of Hawaii, Relating to Fences."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 57, entitled "An Act to Amend Section 93 of Chapter 21, Act 93 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.'"

Referred to the Judiciary Committee.

A Communication (No. 28) from the Chief Clerk of the Of-

file of the Secretary of the Territory of Hawaii, informing the Senate that the Governor had signed House Bills Nos. 15, 21, 47 and 40, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

Secretary of Hawaii.

Honolulu, T. H., March 7, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I have the honor to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 15, as Act 9, entitled "An Act To Repeal Chapter 50 of the Revised Laws, Relating to Road Supervisors and Road Boards;"

House Bill No. 21, as Act 10, entitled "An Act to Repeal Chapter 51 of the Revised Laws, Relating to Cantoniers;"

House Bill No. 47, as Act 11, entitled "An Act to Provide for Service of Process Upon the City and County of Honolulu and the Several Counties;"

House Bill No. 40, as Act 12, entitled "An Act Accepting the Gift of William G. Irwin to the Territory of Hawaii of Certain Lands at Waikiki, Oahu, as an Addition to Kapiolani Park."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 15) from David K. Ewaliko, enclosing certified copy of the Resolution adopted by the citizens of Hilo in mass meeting, was read by the Clerk as follows:

Hilo, Hawaii, March 4, 1911.

Hon. E. A. Knudsen,  
President, House of Senate,  
Territory of Hawaii.

Sir:—

I have the honor to transmit you herewith certified copies of Resolution favoring the Rapid Transit Franchise for Hilo,

which was adopted by the citizens of Hilo, in meeting assembled, March 3, 1911.

Hoping that the Legislature of the Territory of Hawaii will forward to the undersigned copies of any bills of franchise which may be presented affecting Hilo for the approval of its public.

Thanking your Body in advance, I remain

Yours respectfully,

DAVID K. EWALIKO,  
Chairman, Mass Meeting.

#### RESOLUTION.

Resolved that this meeting favors the granting of a street Railway Franchise for Hilo provided the public interests are properly safe guarded.

Further that the Legislature be requested to defer action on any bills that may be presented in respect to such franchise until the public of Hilo shall have had an opportunity to examine said bills.

(Sign)

W. H. HEEN.

I hereby certify that the foregoing resolution is a true copy of the resolution on file.

DAVID K. EWALIKO,  
Chairman, Mass Meeting.

The Communication and Resolution were referred to the Senators from Hawaii.

At 11:44 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## EIGHTEENTH DAY.

Wednesday, March 8, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present with the exception of Senator Quinn, who had been excused.

The Journal of the Seventeenth Day was read and approved.

A Communication (No. 52) from the House of Representatives, informing the Senate that the Senate amendments to House Bill No. 23 were concurred in by the House of Representatives, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 23 were, this day, concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 53) from the House of Representatives, returning Senate Concurrent Resolution No. 3, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Res-

olution No. 3, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 54) from the House of Representatives, transmitting House Bill No. 41, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 41, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 41, entitled "An Act to Provide a Free Supply of Water to Certain Religious Institutions."

Senator C. Brown moved that the Bill be rejected, seconded by Senator Judd, and lost.

The Bill passed First Reading by Title, and was referred to the Committee on Ways and Means.

A Communication (No. 55) from the House of Representatives, transmitting House Bill No. 32, was read by the Clerk as follows:



## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 32, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 32, entitled "An Act to Provide for the Registration of Voters."

The Bill passed First Reading by Title, and was referred to the Judiciary Committee.

A Communication (No. 16) from John H. Bole, enclosing a Resolution adopted by the citizens and taxpayers of Eleele, Kauai, was read by the Clerk as follows:

Eleele, Kauai, H. T.,  
February 28, 1911.

Hon. E. A. Knudsen and  
Colleague from Kauai,  
President of the Senate,  
Honolulu.

Gentlemen:—

In accordance with the instructions received at a meeting of tax-payers, citizens, and voters of the Hanapepe, Eleele school district held in Eleele Hall on Saturday evening, February 25th, 1911, I herewith beg to hand you copy of resolutions adopted at the said meeting.

Yours respectfully,

JOHN H. BOLE,  
Secretary of the Meeting.

To the Honorable Officials having in charge the  
Building of School Houses:

WHEREAS, for five years past the Department of Public

Instruction has recognized the need of a new commodious school building at Hanapepe, Eleele, Kauai; and

WHEREAS, each room has from 58 to 60 pupils, there being three pupils in many seats even in the advanced room, and further pupils being refused admittance for lack of room; and

WHEREAS; said school district has had only \$1994.00 expended for new buildings in the past 21 years, and indeed this covers all public funds expended in this section for improvements, except roads; and

WHEREAS, the property in this school district pays more taxes than any other school district on this island, paying taxes on the western portion of the McBryde Sugar Company's property (including the mill, Eleele, and the Hanapepe Valley with six large pumps) the Eastern portion of the Makaweli Plantation, and the Kauai Railway Co., a \$500,000.00 corporation; and

WHEREAS, it is a fundamental principle in the States, recognized by this Territory, and in this County, to expend local taxes in the locality where paid, if needed there, as illustrated in road building;

THEREFORE, BE IT RESOLVED by the citizens and voters of the Hanapepe, Eleele district in mass meeting assembled to most respectfully petition you to erect, by bonding or otherwise, a school building commensurate with the needs of, and the taxes paid by, this district.

RESOLVED FURTHER that the secretary be, and he is hereby instructed to send copies of these resolutions to the Commissioner of Public Instruction, Kauai; the Board of Supervisors, Kauai; the Department of Public Instruction, Honolulu; and the Members of the Legislature for Kauai.

Eleele, Kauai, H. T.,  
February 25, 1911.

The Communication was received and placed on file, and the Resolution was referred to the Committee on Education.

Senator J. T. Brown presented a Report (No. 62) from the Printing Committee, stating that Senate Bills Nos. 55, 59 and 61 were printed and ready for distribution.

The Report of the Committee was received and place on file.

Senator Judd presented a Report (No. 63) from the Judiciary Committee, to whom had been referred House Bill No. 25, recommending the passage of the Bill, which was read by the Clerk as follows:

## REPORT ON HOUSE BILL NO. 25.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 25, To Amend Section 1 of Act 41 of the Session Laws of 1905, Relating to Prison Inspectors, begs leave to report as follows:

This bill seeks to amend the Act of 1905, by striking out the last sentence of Section 1, relating to the filling of vacancies. To leave the law as it now stands will in practice work out so as to deprive the Senate of its right to confirm the appointments of the Governor to this Board. The bill seeks to do away with anything of this kind, and insure to the Senate all its rights and privileges under Section 80 of the Organic Act.

Your Committee considers this a very desirable amendment, and recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 7, 1911.

Upon motion by Senator Fairchild, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 25 passed Second Reading and was placed on the order of the day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 64) from the Judiciary Committee, to whom had been referred House Bill No. 69, recommending the passage of the Bill with one amendment, which was read by the Clerk as follows:

## REPORT ON HOUSE BILL NO. 69.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 69, To limit the time within which warrants upon the territorial treasury may be paid, adding a section to be known as Section 1542A to the Revised Laws of Hawaii, begs leave to report as follows:

The Governor in his message to the Legislature on page 11 of the printed copy thereof refers to the outstanding warrants upon the Territorial Treasury. From figures furnished by the Territorial Treasurer and Auditor, it appears that there are now outstanding warrants to the amount of \$4564.36, covering the period from 1898 to the present year. The majority of these are in very small amounts, some for one dollar, some for two dollars, and many for less than a dollar, being for a few cents only. Many of these warrants are being held as souvenirs. In one case there is a man who has a warrant pasted on the door of his safe, another has one framed. These will never be presented for payment, and it is considered useless to carry them on the books. The time limited in the bill within which a warrant shall be presented for payment is considered ample, it giving a range of from two to nearly four years. It is provided that this act shall take effect on July 1, 1912, thus giving ample time for the presentation of all warrants which are now outstanding.

The passage of this bill will save the offices of the Territorial Treasurer and Auditor from much useless labor in carrying these unpaid warrants on their books, and will in addition put into circulation the money which is being held awaiting the presentation of such outstanding warrants.

This is in no way a repudiation by the Territory of any of its obligations, since the remedy will always be open to holders of warrants to present their claims to the Legislature, in which case their claims would be easily provable by means of the warrants they may hold, and by the records in the office of the Territorial Treasurer and Auditor.

Your Committee suggests that the word "cancelled" be stricken from line 6 of Section 1542A, and that there be inserted in lieu thereof the following:

"deemed to have been paid."

With this slight change, and for the reasons above given your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 7, 1911.

Upon motion by Senator Judd, seconded by Senator Robin-

son, the Report of the Committee was adopted; House Bill No. 69 passed Second Reading, as amended, and was placed on the order of the day for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 65) from the Printing Committee, stating that Senate Bills Nos. 51, 52, 53, 54 and 58 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator J. T. Brown presented a Report (No. 3) from the Special Committee, to whom had been referred Senate Bills Nos. 21 and 31, which was read by the Clerk as follows:

#### SENATE CHAMBER.

Honolulu, March 8, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Honolulu.

Sir:—

Your Special Committee, to whom was referred Senate Bills Nos. 21 and 31, Acts providing Hospitals in each of the districts of North Kona, South Kona and North Kohala, which are of the same nature and meaning, beg leave to report as follows:

The object of the Bills is to demand the County of Hawaii to establish such Hospitals. Your Committee has had the same under careful consideration and find, that the idea proposed by these Bills is a good one, but is very hard to carry out according to established principles; therefore Your Committee recommends that these Bills be laid on the table to be considered with other matters which may be brought before the Senate of the same nature and purpose.

JOHN T. BROWN,  
R. H. MAKEKAU,  
GEO. C. HEWITT,  
DAVID K. BAKER,  
Committee.

Upon motion by Senator J. T. Brown, seconded by Senator Baker, the Report of the Committee was adopted.

Senator Fairchild presented Senate Joint Resolution No. 1, which was read by the Clerk as follows:

## SENATE JOINT RESOLUTION NO. 1.

WHEREAS it is desirable and fitting that some adequate and permanent provision be made for the support and maintenance of the College of Hawaii, which provision may best be made by setting apart for its use the rents, issues and profits of a portion of the public lands, requiring action of the Congress of the United States of America, THEREFORE

BE IT RESOLVED BY THE LEGISLATURE OF THE TERRITORY OF HAWAII: That the Congress of the United States of America be and it hereby is respectfully requested to make such provision by the passage of an act substantially in the words and figures following:

## A N A C T.

TO PROVIDE FOR THE SUPPORT AND MAINTENANCE OF  
THE COLLEGE OF HAWAII.

Be It Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled:

Section 1. That the Governor and Commissioner of Public Lands of the Territory of Hawaii be and they hereby are directed forthwith to transfer by patent to the Board of Regents of the College of Hawaii the public land of Wailua, County of Kauai, less such portions thereof as have been legally set apart as forest reserves, comprising approximately 8575 acres, together with all rights, easements, privileges, appurtenances, rents, issues and profits thereof to be held and administered by said Board of Regents for the benefit of said College of Hawaii under the provisions of this Act and not otherwise.

Section 2. Said Board of Regents are hereby authorized to hold, manage, lease, rent, or otherwise utilize said lands, except by sale of the same or any part thereof or of any interest therein, as said Board may deem best, to the end that as large a revenue as possible may be derived therefrom, and in order most effectually to accomplish this purpose, the restrictions imposed by law upon the management, handling and dealing in and with the public lands in Hawaii shall not be held or considered to apply in any respect other than as specifically set forth in this act, to the lands transferred as aforesaid.

Section 3. The revenues derived from said lands shall be used by said Board of Regents for the support and maintenance of said College of Hawaii, and for its improvement and extension, as said Board may deem best, and said Board shall embody in such reports as may be required of it by the laws of Hawaii a detailed statement of all its receipts from such lands and of its expenditures of the moneys so received.

Section 4. This Act shall take effect upon its approval.

AND BE IT FURTHER RESOLVED: That the Secretary of the Territory be and he hereby is directed to forward as soon as may be certified copies of this resolution to the President and the Vice-President of the United States, the Speaker of the House of Representatives, and the Delegate to Congress from Hawaii.

GEO. H. FAIRCHILD,  
Senator, 4th Senatorial District.

Dated, Honolulu, Hawaii, March 7, 1911.

Upon motion by Senator Fairchild, seconded by Senator Kalama, the Joint Resolution passed First Reading, and was referred to the Printing Committee.

Third Reading of Senate Bill No. 45, entitled "An Act to Amend Subdivision 4A of Section 9, Act 39 of the Session Laws of 1905, Relating to the General Powers, Liabilities and Limitations of Counties as Amended by Act 100 of the Session Laws of 1909."

Upon motion by Senator Makekau, seconded by Senator Baker, the Bill passed Third Reading as amended, on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Robinson, Fairchild and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 4, entitled "An Act Making Appropriations for the Repair, Partial Remodeling, and Reconstruction, and Furnishing of the Judiciary Building, and for Moving and Temporary Accommodations Incidental Thereto."

Upon motion by Senator Pali, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Robinson and President Knudsen; total 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 27, entitled "An Act to

Amend Section 69 of Chapter 7 of the Revised Laws of Hawaii, Relating to Elections."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Pali, Robinson, and President Knudsen. Total, 12.

Noes: Senator Makekau.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 64, entitled "An Act to Amend Section 1272 of the Revised Laws of Hawaii, Relating to Procedure for Enforcing Payment of Delinquent Taxes Assessed Against Unknown or Non-Resident Persons."

Upon motion by Senator Chillingworth, seconded by Senator C. Brown, consideration of the Bill on Third Reading was deferred until Friday, March 10, 1911.

Third Reading of House Bill No. 78, entitled "An Act to Establish a Commission for Hawaii to Cooperate in the Promotion of Uniformity of Legislation in the United States."

Upon motion by Senator Fairchild, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Second Reading of House Bill No. 28, entitled "An Act to Amend Section 1418G of the Revised Laws of Hawaii as Amended by Act 96 of the Session Laws of 1907."

Upon motion by Senator Robinson, seconded by Senator Pali, consideration of the Bill on Second Reading was deferred until Thursday, March 9, 1911.

Senator Makekau gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, by Adding a New Paragraph to be Called Paragraph 5A."

Under suspension of the rules, Senator Makekau introduced Senate Bill No. 62, entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, by Adding a New Paragraph to be Called Paragraph 5A."



The Bill passed First Reading by Title, and was referred to the Printing Committee.

Second Reading of Senate Bill No. 20, entitled "An Act to Amend Section 1 of Act 98 of the Session Laws of 1907, Relating to Pay of Laborers Engaged at Public Works."

Upon motion by Senator Chillingworth, seconded by Senator C. Brown, the Bill was tabled.

Second Reading of Senate Bill No. 55, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905 Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909 Relative to a Tax on Incomes for Immigration Purposes."

Referred to the Select Committee on Immigration.

Second Reading of Senate Bill No. 59, entitled "An Act Making Special Appropriations for the Relief of Persons Whose Personal Effects Were Destroyed by Order of the Board of Health on Account of Cholera."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 61, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the Thirtieth Day of June, A. D. 1909."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 51, entitled "An Act to Provide for the Construction of a Belt Road Around the Island of Hawaii, and a Road from Kukuihaele Village to Waipio Gulch in the District of Hamakua, Island of Hawaii, and Making a Special Appropriation Therefor."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 52, entitled "An Act to Provide for the Reimbursement of the Territory for the Cost of the Belt Road Around the Island of Hawaii, and the Road from Kukuihaele to Waipio Gulch, Hamakua, Island of Hawaii."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 53, entitled "An Act Declaring and Designating a Certain Tract of Government Land at Kalama 5, Napoopoo, South Kona, Hawaii, as a Public Park."

Referred to the Committee on Public Lands and Internal Improvements.

Second Reading of Senate Bill No. 54, entitled "An Act Providing for the Supervision of Public Parks to Various Counties or City and County, Repealing Sections 772 and 778 of the Revised Laws of Hawaii."

Referred to the Committee on Public Lands and Internal Improvements.

Second Reading of Senate Bill No. 58, entitled "An Act Relating to the Records in the Office of the Clerk of the Judiciary Department."

Referred to the Judiciary Committee.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, Senate Bill No. 48, which had been referred to a Select Committee consisting of the Senators from the Island of Hawaii, was referred to the Judiciary Committee.

Senator Judd presented a Report (No. 66) from the Judiciary Committee, to whom had been referred Senate Bill No. 32, which was read by the Clerk as follows:

#### REPORT ON SENATE BILL NO. 32.

To the Honorable Eric A. Knudsen,  
President of the Senate:

Your Judiciary Committee, to whom was referred Senate Bill No. 32, Amending Act 39 of the Session Laws of 1905, and Repealing Chapter 11 (XI) Thereof, begs leave to report as follows:

Your Committee suggests the following verbal change in this bill.

That the word "herein" in the last line of paragraph (D) be stricken out, and in lieu thereof the following word be inserted "therein."

This bill deals entirely with the recounting of ballots, and election contests, for elections in the various counties in the Territory, for which reason your Committee recommends that this bill be referred to the Committee of the Whole.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

March 8, 1911.

Committee.

The Report of the Committee was adopted, and Senate Bill No. 32 was placed on the Calendar for Monday, March 13, 1911, at 2:00 o'clock P. M., for consideration in Committee of the Whole.

At 11:19 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## NINETEENTH DAY.

Thursday, March 9, 1911.

The Senate met at 10:30 o'clock A. M., Vice-President Kalamana presiding.

After prayer by the Chaplain, the Roll was called, showing Senator Quinn absent.

The Journal of the Eighteenth Day was read and approved.

At 10:45 o'clock A. M., the Senate took a recess subject to the call of the Chair.

The Senate reconvened at 11:04 o'clock A. M.; President Knudsen in the Chair.

A Communication (No. 29) from the Chief Clerk of the Office of the Secretary of the Territory, informing the Senate that the Governor had signed House Bill No. 23, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 8, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to notify your

Honorable Body that the Governor has this day signed the following bill:

House Bill No. 23, as Act 13, entitled "An Act to Amend Chapter 53 of the Revised Laws, Relating to Sidewalks."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 30) from Mr. E. A. Mott-Smith, Special Disbursing Agent, U. S. Treasury Department, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 8, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

In order to facilitate the work of my office in the handling of the Federal Fund for Legislature Expenses, Territory of Hawaii, 1911, may I kindly ask that you furnish me with a list giving the names, date of appointment, manner of employment, and salary of the officers of the Senate and clerks of the various committees.

Very respectfully yours,

E. A. MOTT-SMITH,  
Special Disbursing Agent, U. S.  
Treasury Department.

The Communication was received and placed on file.

A Communication (No. 56) from the House of Representatives, inquiring into the disposition of House Joint Resolution No. 4, was read by the Clerk as follows:

## SENATE JOURNAL.

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I am directed by the Speaker and Members of the House of Representatives of the Territory of Hawaii to inquire what disposition was made by your Honorable Body of House Joint Resolution No. 4.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 57) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 42, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii, this day, failed to concur in the amendments made by the Senate to House Bill No. 42, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Rice, Fernandez and Williamson.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 58) from the House of Representatives, transmitting House Bill No. 8, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 8, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 8, entitled "An Act to Amend Section 13, of Act 39 of the Session Laws of 1905, as Amended by Section 1 of Act 54 of the Session Laws of 1905, and as Amended by Section 1 of Act 58 of the Session Laws of 1909, Relative to Deputy Sheriffs."

The Bill passed First Reading by Title, and was referred to the Judiciary Committee.

A Communication (No. 59) from the House of Representatives, transmitting House Bill No. 70, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 70,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 70, entitled "An Act to Regulate the Rate of Interest Due or to Become Due by Persons Acquiring or Who Have Acquired Homesteads."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

At this juncture, Senators Judd, Robinson and Hewitt were named by the Chair as Senate Conferees on House Bill No. 42.

A Communication (No. 60) from the House of Representatives, transmitting House Bill No. 71, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 71, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 71, entitled "An Act to Prohibit the Members of the Several Boards of Supervisors from Practicing or Acting as Attorneys or Counselors at Law in Criminal Cases, and in Certain Civil Cases During Their Term of Office, and Prescribing a Penalty Therefor."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 61) from the House of Representatives, transmitting House Bill No. 72, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 72, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 72, entitled "An Act Relating to Appointment and Removal of District Magistrates, and Amending Section 1660 of the Revised Laws of Hawaii as Amended by Act 61 of the Session Laws of 1905 and by Act 38 of the Session Laws of 1909, and Section 1661 of the Revised Laws of Hawaii, as Amended by Act 61 of the Session Laws of 1905."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 62) from the House of Representatives, transmitting House Bill No. 74, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 74,



which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 74, entitled "An Act to Amend Sections 1680, 1681, 1684, 1886 and Repeal Sections 1682, 1685, 1686, 1687 of the Revised Laws of Hawaii Relating to Supreme and Circuit Court Clerks."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 63) from the House of Representatives, transmitting House Bill No. 80, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 80, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 80, entitled "An Act to Declare Certain Lands as a Public Park."

The Bill passed First Reading by Title and was referred to the Committee on Public Lands and Internal Improvements.

A Communication (No. 64) from the House of Representatives, transmitting House Bill No. 86, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 86,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 86, entitled "An Act to  
Provide for the Geographical Limits of the City of Hilo."

The Bill passed First Reading by Title and was referred to a  
Select Committee composed of the Members from Hawaii.

A Communication (No. 65) from the House of Representa-  
tives, transmitting House Bill No. 89, was read by the Clerk  
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 89,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 89, entitled "An Act to Amend Section 2966 of the Revised Laws of the Territory of Hawaii, Relating to Embezzlement."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 66) from the House of Representatives, transmitting House Bill No. 99, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 99, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 99, entitled "An Act to Amend Section 2214 of the Revised Laws of Hawaii, Relating to Records and Certificates of Marriage."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 17) from the Honolulu Fire Department, extending an invitation to the Senate to witness an exhibition drill, was read by the Clerk as follows:

#### HONOLULU FIRE DEPARTMENT.

Honolulu, T. H., March 9, 1911.

To the Honorable President  
and Members of the Senate  
of the Territorial Legislature  
in session assembled.

Honorable Sirs:—

The Fire Department will give an exhibition drill at head-

quarters, Fort and Beretania Streets, (unless imperative duty prevents) on Saturday, Mar. 11th, at 2:30 o'clock P. M., and we cordially invite your attendance.

Respectfully yours,

C. H. THURSTON,  
Chief Engineer, Fire Dept.

The Communication was received and placed on file.

Senator Kaleiupu gave notice of his intention to introduce a Bill entitled "An Act Relating to Expenditures of Public Money, Amending Section 1 of Act 62 of the Laws of 1909, and Adding a New Section Thereto."

Under suspension of the rules, Senator Kaleiupu introduced Senate Bill No. 63, entitled "An Act Relating to Expenditures of Public Money, Amending Section 1 of Act 62, of the Laws of 1909, and Adding a New Section Thereto."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of House Bill No. 25, entitled "An Act to Amend Section 1 of Act 41 of the Session Laws of 1905, Relating to Prison Inspectors."

Upon motion by Senator Judd, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of House Bill No. 69, entitled "An Act to Limit the Time Within Which Warrants Upon the Territorial Treasury May be Paid, Adding a Section to be Known as Section 1542A to the Revised Laws."

Upon motion by Senator Judd, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, C. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Senator Fairchild presented a Report (No. 67) from the Committee on Ways and Means, to whom had been referred Senate Bill No. 40, recommending that the Bill be tabled:

Honolulu, Hawaii, March 9, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill No. 40, relating to licenses, begs leave to report as follows:

This Committee has already had House Bill No. 28, covering the same subject matter under consideration and has recommended its passage. Your Committee recommends that the Act now reported on be laid on the table, being informed that an amendment to House Bill No. 28 will be submitted by the introducer of the Bill, whose consent to tabling of his Bill had been given.

Respectfully yours,

GEO. H. FAIRCHILD,  
Chairman.

JOHN T. BROWN,  
WM. T. ROBINSON,  
CECIL BROWN.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Report of the Committee was adopted, and Senate Bill No. 40 was tabled.

Second Reading of House Bill No. 28, entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Senator Robinson moved to amend in line 13 after the words "One Hundred Dollars" by inserting the following: "Provided, however, that no license fee shall be required for the sale of fresh fruits, vegetables, fresh flowers or greens for wreaths or decorative purposes (including paper, shell or seed leis)." Seconded by Senator Makekau, and carried.

Upon motion by Senator Robinson, seconded by Senator Hewitt, the Bill passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Kalama presented a Report (No. 68) from the Committee on Public Lands and Internal Improvements, recommending the passage of Senate Bill No. 27 with certain amendments:

## SENATE CHAMBER.

Honolulu, March 9, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Bill No. 27, beg leave to report as follows:

The object of the bill is to promote homesteading under existing laws in localities which are now owned by private interests, and which the bill seeks to acquire, is, to the Committee, a very wise provision to make. The bill is not compulsory. It is optional with the administration to secure such tracts as may be available and for the price commensurate with the sum hereby contemplated to be appropriated.

In Section 2, however, line 3 of the original bill, after the word "homestead," the words therein contained seem to the Committee to be objectionable, in that it would limit the acreage.

The Committee therefore recommends the bill pass with the following amendments:

Strike out all the words after "homesteads" in line 3 to the end of Section 2.

Change the comma after "homesteads" to a period.

Respectfully submitted,

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
GEO. C. HEWITT.

The Report of the Committee was received and placed on file, and upon motion by Senator Fairchild, seconded by Senator Pali, the Bill was referred to the Judiciary Committee.

Senator Kalama presented a Report (No. 69) from the Committee on Public Lands and Internal Improvements, recommending that House Bill No. 24 be tabled:

## SENATE JOURNAL.

## SENATE CHAMBER.

Honolulu, March 9, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred House Bill No. 24, entitled "An Act to Repeal Sections 772 and 778 of the Revised Laws Relating to Certain Parks" has had the same under careful and due consideration and beg leave to report as follows:

The bill seeks to repeal the existing laws relating to parks and fail to provide for the maintenance of existing parks. This failure to so provide makes the bill objectionable.

The Committees therefore recommends the bill be tabled.

Respectfully submitted,

S. E. KALAMA,  
Chairman.  
A. S. KALEIOPU,  
GEO. C. HEWITT.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted, and House Bill No. 24 was tabled.

Senator Kalama presented a Report (No. 70) from the Committee on Public Lands and Internal Improvements, recommending that Senate Petition No. 3 be referred to the Judiciary Committee.

## SENATE CHAMBER.

Honolulu, March 9, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Petition No. 3 from the Kapaa Homesteaders praying for relief, has had the same under due and careful consideration and beg leave to report as follows:

The petition of the homesteaders mentioned in said petition to your Committee, seem to be just, and should be granted; but, there seems to be a legal question involved which should be clearly submitted to the Senate before final action is taken on this matter.

Your Committee therefore recommends that the Petition be referred to the Judiciary Committee for the purpose of securing legal expression as to the legality of the granting of the relief prayed for.

Very respectfully submitted,

S. E. KALAMA,

Chairman.

A. S. KALEIOPU,

GEO. C. HEWITT.

Upon motion by Senator Fairchild, seconded by Senator Makekau, the Report of the Committee was adopted, and Senate Petition No. 3 was referred to the Judiciary Committee.

Senator J. T. Brown presented a Report (No. 71) from the Select Committee of Hawaii Members, recommending the passage of Senate Bill No. 39 with certain amendments:

Honolulu, March 9, 1911.

The Hon. E. A. Knudsen,

President of the Senate.

Sir:—

Your Select Committee from the Island of Hawaii, to which was referred Senate Bill No. 39, begs to report as follows: That it has carefully considered the bill named, which is entitled "An Act Granting a Franchise of the Construction, Maintenance and Operation of a Street Railway, Electric Light and Power System in the District of South Hilo, Island of Hawaii," and has the assistance of legal counsel in this consideration. Your Committee believes that the time has arrived when a franchise for a street railway should be granted for Hilo on account of the growth of that place through the many improvements made and to be made by the Federal Government. In addition to this a street railway system would allow hundreds, if not thousands, of citizens, who now live on leased property in Hilo, to obtain their own homes in the near vicinity and still reach the scene of their labor in that city at a minimum cost. In addition to this it would have the effect of



greatly enhancing the value of taxable property in the County of Hawaii, and thus result in making more funds available for government work.

In regard to the electric light and power sections of the bill, Your Committee finds that there is one electric company at present operating in Hilo and does not feel that it is for the the best interests of either the public or the owners of that company that two companies of this character should operate in a place the size of Hilo. It has therefore, after consultation with the applicants for the franchise, in the person of Mr. L. S. Conness, eliminated all sections of that character from the bill.

Your Committee has paid special care to the insertion of such sections as will carefully safeguard the interests of the public and has inserted a section whereby, after the expiration of ten years, the company shall pay one per cent of its gross receipts to the County of Hawaii. Another section has also been inserted whereby the Territory, the County of Hawaii or the City of Hilo, should such a municipality be created, may purchase the entire property of the company at any time after the expiration of twenty years, the price to be fixed by a commission of three, one of whom shall be appointed by the company, one by the purchaser and the third by these two, or if they fail to agree, by the Chief Justice of the Supreme Court of Hawaii.

In the opinion of your Committee, the franchise should be granted, but, in order that each Senator may have a clean copy of the bill as amended by the Committee before him when taking the matter up for consideration, your Committee would recommend that the bill as amended be ordered printed.

Respectfully submitted,

JOHN T. BROWN,  
Chairman.

R. H. MAKEKAU,  
DAVID K. BAKER,  
GEO. C. HEWITT,  
Members.

Upon motion by Senator Makekau, seconded by Senator Fairchild, the Bill as amended was referred to the Printing Committee.

Senator Kalama presented a Report (No. 72) from the Committee on Public Lands and Internal Improvements, recommending the passage of House Bill No. 76 as follows:

SENATE CHAMBER.

Honolulu, March 9, 1911.

Honorable Erie A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred House Bill No. 76, being "An Act Making Appropriations for the Construction, Reconstruction, Improvement and Extension of the Wharves and Wharf Sheds at Mahukona, Hawaii, and Hanalei, Kauai, and for the Construction of Approaches Thereto," beg leave to report that after due and careful consideration, it recommends the passage of said Bill, your Committee being of the opinion that the improvement contemplated are all proper items of expense.

Respectfully submitted,

S. E. KALAMA,  
Chairman.  
A. S. KALEIOPU,  
Member.  
GEO. C. HEWITT,  
Member.

The Report of the Committee was received and placed on file, and upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Bill was referred to the Committee on Ways and Means.

Senator Kalama presented a Report (No. 73) from the Committee on Public Lands and Internal Improvements, recommending that Senate Bill No. 24 be tabled, as follows:

SENATE CHAMBER.

Honolulu, March 9, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Bill No. 24, entitled "An

Act for the Construction of a New Wharf at Mahukona, Island of Hawaii, and Making Special Appropriations Thereof has had the same under due and careful consideration and beg leave to report, that after recommending the passage of House Bill No. 76, it now recommends the tabling of said Senate Bill No. 24, the purport of both measures being practically one and the same.

Respectfully submitted,

S. E. KALAMA,

Chairman.

A. S. KALEIOPU,

GEO. C. HEWITT.

Upon motion by Senator Baker, seconded by Senator Chillingworth, the Report of the Committee was adopted, and Senate Bill No. 24 was tabled.

Senator Fairchild presented a Report (No. 74) from the Committee on Ways and Means, recommending the passage of House Bill No. 52, as follows:

Honolulu, Hawaii, March 9, 1911.

Hon. E. A. Knudsen,

President of the Senate,

Sir:—

Your Committee on Ways and Means to whom has been referred House Bill No. 52 begs leave to report that they have had same under careful consideration.

The object of the Bill is to amend the present law relating to fees for hotels, boarding houses and restaurants. At present the annual fee for a license to keep a hotel, boarding house or restaurant is Fifty Dollars (\$50) throughout the Territory. The present Bill seeks to reduce this fee to Twenty-five Dollars (\$25) in all places outside of Honolulu and Hilo.

We believe that the point is well taken and recommend the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

WM. T. ROBINSON,

JOHN T. BROWN,

CECIL BROWN.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Report of the Committee was adopted; House Bill No. 52 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 75) from the Committee on Ways and Means, reporting adversely on House Bill No. 41, as follows:

Honolulu, Hawaii, March 9, 1911.

Hon. E. A. Knudsen,  
President of the Senate,

Sir:—

Your Committee on Ways and Means to whom has been referred House Bill No. 41 begs leave to report that they have had same under careful consideration.

The object of this Bill is to supply all houses of religious worship of the Christian faith including vestries owned by or held in trust for the use of any religious organization of the Christian faith, with water from the government or municipal water works, free of charge.

After due and careful consideration of this Bill, Your Committee believes it unwise to recommend the passage of same.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Report of the Committee was adopted, and House Bill No. 41 was tabled.

At 12:26 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## TWENTIETH DAY.

Friday, March 10, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Nineteenth Day was read and approved.

A Communication (No. 67) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 69, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 69 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 68) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 27, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii, this day,

failed to concur in the Senate amendments to House Bill. No. 27, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Rice, Towse and Kanekoa.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 69) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 78, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii, this day, failed to concur in the Senate amendments to House Bill No. 78, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Sheldon, Castle and Kawewehi.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 70) from the House of Representatives, transmitting House Concurrent Resolution No. 8, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 8, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, and House Concurrent Resolution No. 8 was referred to the Judiciary Committee.

A Communication (No. 71) from the House of Representatives, transmitting House Bill No. 2, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 2, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
First Reading of House Bill No. 2, entitled "An Act to

Amend Section 39 of Act 118 of the Session Laws of 1907, as Amended by Act 128 of the Session Laws of 1909.”

The Bill passed First Reading by Title, and upon motion by Senator Pali, seconded by Senator Makekau, was referred to a Select Committee composed of the Members from Oahu.

A Communication (No. 72) from the House of Representatives, transmitting House Bill No. 9, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 9, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 9, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 9, entitled “An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, Entitled ‘An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.’”

The Bill passed First Reading by Title, and upon motion by Senator Makekau, seconded by J. T. Brown, was referred to a Select Committee composed of the Members from Hawaii.

At this juncture, President Knudsen appointed Senators C. Brown, Kalama and Baker as Senate Conferees on House Bill No. 27, and Senators Judd, Kaleiopu and Makekau on House Bill No. 78.

Senator J. T. Brown presented a Report (No. 76) from the Printing Committee, stating that Senate Bill No. 62 and Senate Joint Resolution No. 1 were printed and ready for distribution.



The Report of the Committee was received and placed on file.

Senator Baker gave notice of his intention to introduce a Bill entitled "An Act to Provide a Revenue by Imposing a Specific Duty Upon Sugar Manufactured in This Territory, and to Provide the Disposition of Such Revenue."

Under suspension of the rules, Senator Baker introduced Senate Bill No. 64, entitled "An Act to Provide a Revenue by Imposing a Specific Duty Upon Sugar Manufactured in This Territory, and to Provide the Disposition of Such Revenue."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Upon motion by Senator C. Brown, seconded by Senator Judd, Senate Petition No. 1 was taken from the table and referred to a Select Committee composed of the Members from Oahu.

Third Reading of House Bill No. 64, entitled "An Act to Amend Section 1272 of the Revised Laws of Hawaii, Relating to Procedure for Enforcing Payment of Delinquent Taxes Assessed Against Unknown or Nonresident Persons."

Upon motion by Senator Pali, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 28, entitled "An Act to Amend Section 1418G of the Revised Laws as Enacted by Act 96 of the Session Laws of 1907."

Senator Judd moved to amend by inserting before the word "decorative" the words "of wreaths for," seconded by Senator C. Brown, and carried.

Upon motion by Senator Baker, seconded by Senator Judd, the Bill passed Third Reading as amended, on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Chillingworth.

Third Reading of House Bill No. 52, entitled "An Act to

Amend Section 1381 of the Revised Laws of Hawaii, Relating to Hotel, Boarding House and Restaurant Licenses."

Upon motion by Senator Fairchild, seconded by Senate Makekau, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Pali, Quinn, Robinson, Makekau, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Chillingworth.

Second Reading of Senate Joint Resolution No. 1.

The Resolution was referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 62, entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, by Adding a New Paragraph to be Called Paragraph 5A."

The Bill was referred to the Judiciary Committee.

Senator Fairchild presented a Report (No. 77) from the Committee on Ways and Means, recommending the passage of House Bill No. 70, as follows:

#### SENATE CHAMBER.

Honolulu, T. H., March 10, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 70 entitled "An Act to Regulate the Rate of Interest due or to become due by Persons Acquiring or who have acquired Homesteads" beg leave to report as follows:

Your Committee has carefully looked in the matter of the interest now charged upon deferred payments and find, that the existing rate of 8% is excessive when the great amount of risk assumed by the homesteader is taken into consideration. The homesteader, not only has to prepare himself to meet his payments, but has also to strive with almost everything against him at the start to provide means to exist for himself and family. At this time, when the territory is seeking suitable persons to settle on lands available for homesteading, the Committee is of the opinion, that every reasonable encourgaement

should be given to the bona fide settler and homesteader. The bill seeks to give this encouragement.

Very often, legislators are led to believe that the government should be legislated into a financial institution for money making. That, in the minds of many, is erroneous. The government is not, and should not be a money making institution as are financial corporations. On the other hand, the government should not be obligated to furnish everything for the homesteader without some fair remuneration for the outlay.

The bill proposes to fix the rate of interest to become due by persons acquiring or who have acquired homestead at 5%. A very liberal encouragement indeed.

Your Committee therefore recommends the passage of the bill.

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

WM. T. ROBINSON,

JOHN T. BROWN,

CECIL BROWN,

E. W. QUINN.

Upon motion by Senator Fairchild, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 70 passed Second Reading and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 78) from the Judiciary Committee, recommending the passage of House Bill No. 46, as follows:

#### REPORT ON HOUSE BILL NO. 46.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee to whom was referred House Bill No. 46, To Amend Section 2381 of the Revised Laws of Hawaii, Relating to the Recording of Certain Instruments, and Adding a New Section Thereto to be Known as Section 2381A, begs leave to report as follows:

#### FINDINGS.

This bill seeks to remedy defects in the present statutes and to make the law the same as it is in other jurisdictions.

By a strict construction of the present statute a failure to

record certain instruments renders them invalid as between all persons, including the parties to transaction.

Holmes vs. Serrao, 18 Hawaiian Reports 25.

The Law in other jurisdictions is different and should be so here, for the reason that no party ought to be able to avoid his personal undertakings by a mere failure to record the instrument. The recording laws were intended to give protection to Third parties and not to add a technical requirement as between the parties to the transaction. The amendment proposed by the bill leaves the instrument effective as between the parties when not recorded, but provides that it must be recorded to be effective against purchasers in good faith and for a valuable consideration, and creditors who give credit to the mortgagor upon the apparent ownership of the property.

Under Section 2381 of the Revised Laws, possession of the mortgaged property by the mortgagee does not make the mortgage good, if it is not recorded. The law in other jurisdictions is different.

Jones on Chattel Mortgages, Section 176.

In the existing statute the words used are "mortgages of chattel property." These words are changed in the proposed bill so as to read "mortgages and other conveyances of personal property." This is done for two reasons:

First, chattel property includes chattels real and chattels personal. Under Section 2381 of the Revised Laws as it now stands a mortgage of a leasehold having a term of 999 years would be a mortgage of chattel property, whereas all of the reasoning applied to this law would require that such a mortgage should be recorded as if it were a mortgage of real property, and therefore entitled to be recorded under Section 2380. A mortgage of a lease is held to be a mortgage of chattel real under statutes requiring mortgages of personal property to be recorded under provisions similar to our Section 2381.

Jones on Mortgages (Real Property), Section 478.

Jones on Chattel Mortgages, Section 286.

Second. The second reason for the amendment is to include all conveyances of personal property, whether they be intended by way of absolute conveyance or conveyance as security for the payment of a debt. The reason why a chattel mortgage should be recorded applies with equal force to a bill of sale.

## CONCLUSIONS.

For the reasons above given your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 10, 1911.

Senator Judd moved to amend by inserting the words "of Hawaii" after the words "Revised Laws" in the title and wherever they occur throughout the Bill. Seconded by Senator C. Brown, and carried.

Upon motion by Senator Fairchild, seconded by Senator Makekau, the Report of the Committee was adopted; House Bill No. 46 passed Second Reading as amended and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 79) from the Judiciary Committee, recommending the passage of Senate Bill No. 47, as follows:

## REPORT ON SENATE BILL NO. 47.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 47, Relating to Circuit Court Receipts and expenses, begs leave to report as follows:

This bill seeks to make the Circuit Courts county courts, and provides that all receipts of said courts shall be paid into the Treasury of the County or City and County in which the Courts are located, as the case may be, and that the expenses of these courts be paid by the County or City and County, as the case may be. The Circuit Courts are in reality County Courts and are so regarded elsewhere. In the bill the salaries of interpreters are not specifically provided for, but are left to be determined by the Supervisors from time to time, as they are matters that may vary from time to time, and the Supervisors

should be given the opportunity to reduce the expenses if this can be done. The salary of the stenographer for the second Circuit Court is not prorated. This is so as to enable the Court to employ a stenographer at a lower salary when little work is to be done and thus save the appropriation so as to employ a better stenographer at a higher salary in term time.

This bill is a step in the right direction, and is in line with the policy of marking more distinctly the line between County and City and County government and the Territorial government. Your Committee therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU.  
Committee.

March 10, 1911.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Judiciary Committee on Senate Bill No. 47, together with the Bill, were referred to the Committee on Ways and Means.

Senator Judd presented a Report (No. 80) from the Judiciary Committee, recommending the passage of Senate Bill No. 46, as follows:

REPORT ON SENATE BILL NO. 46.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 46, Relating to the Expenses of District Magistrates, Amending Act 122 of the Laws of 1909, begs leave to report as follows:

The last Legislature, by Act 152, provided for the transfer of District Court receipts to the Counties, and by Act 122, for the transfer of the payment of salaries of district magistrates to the counties. The expenses of the district magistrates, however, were overlooked, and Senate Bill No. 46 seeks to remedy this defect. These expenses are very small in amount, being for various articles of Stationery, printing, and an oc-

casional book. These articles are now furnished by the Supreme Court out of Territorial funds.

This bill is in line with the policy of more distinctly marking the line between County and City and County matters and Territorial matters.

Your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 10, 1911.

Upon motion by Senator C. Brown, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 46 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 81) from the Judiciary Committee, recommending that Senate Bill No. 23 be tabled, as follows:

#### REPORT ON SENATE BILL NO 23.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 23, to Amend Sections 2, 3, 4 and 5 of Act 53 of the Session Laws of 1907, entitled "An Act Providing for Witness fees in Criminal Cases," begs leave to report as follows:

This bill seeks to have the Territory pay the witness fees, instead of the county as at present. Under the present law the County or City and County pays the witness fees in the Circuit Courts, while the Territory receives all the receipts of these courts.

This however is sought to be remedied by Senate Bill No. 47, which turns over all Circuit Court receipts to the County or City and County, as the case may be, Senate Bill No. 47, having been favorably reported there seems to be no necessity for Senate Bill No. 23.

For the reasons above set forth, your Committee recommends that Senate Bill No. 23 be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 10, 1911.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Judiciary Committee on Senate Bill No. 23, together with the Bill, were referred to the Committee on Ways and Means.

Senator Judd presented a Report (No. 82) from the Judiciary Committee, recommending that Senate Bill No. 38 be tabled, as follows:

REPORT ON SENATE BILL NO. 38.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 38, To Amend Act 152 of the Session Laws of 1909, entitled "An Act Relating to the Disposition of Fines and Costs and Bail Money in Certain Cases," begs leave to report as follows:

Senate Bill No. 38 seeks to have certain costs and bail money received in the Circuit Courts and Supreme Court turned over to the County or City and County, as the case may be. This Committee believes this matter to have been fully covered in Senate Bill No. 47, which has been favorably reported.

For the above reasons your Committee recommends that Senate Bill No. 38 be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 10, 1911.



Upon motion by Senator Kaleiopu, seconded by Senator Makekau, the Report of the Committee was adopted, and Senate Bill No. 38 was tabled.

Senator Judd presented a Report (No. 83) from the Judiciary Committee, recommending the passage of Senate Bill No. 58, as follows:

#### REPORT ON SENATE BILL NO. 58.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 58, Relating to the Records in the Office of the Clerk of the Judiciary Department, begs leave to report as follows:

#### FINDINGS.

This bill seeks to have typewritten copies made of all the old records in the vaults in the office of the Clerk of the Judiciary Department, which, when certified, can be used the same as the originals. Due to frequent handling and old age, in many of the probate cases and other cases in which the title of land is involved, the papers are beginning to crumble. In many cases some of the papers have disappeared because they are all loose. In other cases the ink is beginning to fade. The bill leaves the supervision of having these certified copies prepared to the Supreme Court, so that the Judges of that Court will practically have it in their discretion to determine how and in what manner these copies shall be made, and all the details thereof.

The provision with regard to making the copies admissible in evidence is based very largely on the provision of Act 8 of the Session Laws of 1909, An Act to make certified copies of public archives receivable in evidence.

An appropriation of \$10,000 has been asked to go along with this work.

#### CONCLUSIONS.

For the reasons above set forth your Committee recommends the passage of this Bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

Committee.

March 10, 1911.

Upon motion by Senator Fairchild, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 58 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 84) from the Judiciary Committee, recommending that Senate Bill No. 57 be tabled, as follows:

**REPORT ON SENATE BILL NO 57.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 57, To Amend Section 93 of Chapter 21, Act 39 of the Session Laws of 1905, entitled "An Act Creating Counties within the Territory of Hawaii and Providing for the Government Thereof." begs leave to report as follows:

This bill incorporates the ideas expressed on the floor of the Senate by the introducer of Senate Bill No. 16, which on the 6th day of March was tabled.

Senate Bill No. 57 meets in part the objections made by this Committee to Senate Bill No. 16.

This bill will make it impossible for any county attorney to practice or act as counsel for any party in any civil action in any court, with a heavy penalty for violation of the law.

Your Committee is of the opinion that theoretically the objects sought to be attained by the bill are good, but that as a practical measure the bill would not work out satisfactorily. It is believed that besides preventing the most capable legal talent in the counties from accepting public office the bill is but a stepping stone for a request for larger compensation to be paid to county attorneys. County government is already costing sufficient as it is, and the tendency should be toward economy in administration. Your Committee desires to observe that any attorney at law who would so violate his oath of office as to engage in practice in the different courts which would conflict with his public duty can be reached by process of law.

Your Committee therefore recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

March 10, 1911.

Committee.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted, and Senate Bill No. 57 was tabled.

Senate Judd presented a Report (No. 85) from the Judiciary Committee, recommending that Senate Bill No. 36, be referred to the Committee on Ways and Means, as follows:

#### REPORT ON SENATE BILL NO. 36.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 36, Relating to Personal, Income and Property Taxes, and the Disposition of the Proceeds Thereof, Amending Certain Laws and Repealing Others, begs leave to report as follows:

#### FINDINGS.

This bill was referred to the Judiciary Committee for examination as whether or not the bill was "in proper shape," and a careful study has been made of the bill with the result that the Committee finds the bill in order, and has no amendments to suggest as to form.

At a public hearing of the commercial bodies of Honolulu the bill was criticised in its form in section 5, wherein the bill provides for estimates of the amount of money required to be raised, sub-section 1, referring to Current Expenses, sub-section 2, Permanent Improvements, sub-section 3, Interest and Sinking Funds for County or City and County bonds, and sub-section 4, Territorial needs in respect of bonds issued for the County or City and County. The criticism was that the credit of the Territory or County, or City and County demanded that first place in making estimates should be given to providing for the payment of bonds, interest and sinking funds.

Your Committee feels that this criticism of the bill was caused by a misunderstanding of its provisions, and that the point sought to be made is not well taken. Your Committee desires to point out that the items in the estimate numbered 1 and 2, for current expenses and permanent improvements respectively are by the bill items for which the taxation is limited in the rate per cent, and that items 3 and 4, both of which concern the standing and the credit of the governments involved are items where no limit of the rate per cent of taxation is fixed. In other words, the bill seeks to make it possible to have the rate per cent of taxation as high as necessary to pay the interest on the bonds, and to provide for sinking funds for their repayment.

## CONCLUSIONS.

The bill being in proper form your Committee recommends that the bill be referred to the Ways and Means Committee for consideration with the other tax matters now before that Committee.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 10, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Report of the Committee was adopted, and Senate Bill No. 36 was referred to the Committee on Ways and Means.

Senator Judd presented a Report (No. 86) from the Judiciary Committee, recommending the passage of Senate Bill No. 35, as follows:

## REPORT ON SENATE BILL NO. 35.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 35, To Provide for Writ of Error in Certain Instances in Criminal Cases, begs leave to report as follows:

## FINDINGS.

At the present time, in criminal cases, although the defendants may appeal from decisions of trial courts to the Supreme Court, the Territory, representing the people, cannot do so. There are many good reasons why a decision in favor of a defendant in a criminal case upon a question of fact, or on the guilt or innocence of the defendant should not be reviewed, but there is no good reason why a person charged with crime should be permitted to escape simply because a trial judge has erred on a pure question of law.

Not only should the Supreme Court be the final judge of questions of law in a particular case for the protection of the

public and to prevent guilty persons from escaping through erroneous decisions of law, but it is highly important that questions of criminal law should be determined by a single highest court, so as to settle the law for other courts and thus avoid decisions both ways by different trial judges.

The bill in question is taken substantially from a similar bill passed by Congress for Federal cases on March 2, 1907, (34 U. S. Statutes at large 1246) and is in line with the best thought on questions of improved judicial procedure.

The bill is directed to a judgment rendered before the moment of jeopardy is reached, and therefore is not repugnant to the 5th amendment to the Constitution of the United States.

Taylor vs. United States, 207 U. S. 120.

Referring to the Federal act mentioned above, the Supreme Court of the United States stated in the case of the United States vs. Bitty, 1908, 208 U. S. 393:

"The object of the act is to prevent unnecessary delay in the administration of the criminal law, and to provide a method by which courts of original jurisdiction may be instructed as to the validity and meaning of a particular criminal statute sought to be enforced."

#### CONCLUSIONS.

After a thorough discussion of this bill, and its purposes, your Committee recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 10, 1911.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 35 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 87) from the Judiciary Committee, recommending that Senate Bill No. 13 be tabled, as follows:

## REPORT ON SENATE BILL NO. 13.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 13, To Amend Sections 2331, 2337, 2342 and 2343 of the Revised Laws of Hawaii, Relating to sales of real property by Guardians, begs leave to report as follows:

This bill seeks to change the existing statute which only authorizes public sales of real property of minors, by authorizing private sales, and also sales, both public and private, to be made upon credit. The bill repeals the provision at present in our statutes as to the length of advertisement or notice before sale, leaving that entirely in the discretion of the court or judge. It also reduces the time within which action may be brought to recover lands so sold by guardians to three years instead of five years after termination of guardianship, attaining majority, returning to the Territory or removal of legal disability. Your Committee is of the opinion that the changes sought to be attained by this bill are not necessary, and for this reason alone are not desirable, although other objections could be made to some of the amendments.

Your Committee recommends that this bill be tabled.

Respectfully submitted

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

March 10, 1911.

Committee.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Report of the Committee was adopted, and Senate Bill No. 13 was tabled.

Senator Judd presented a Report (No. 88) from the Judiciary Committee, recommending that Senate Bill No. 11 be tabled, and offering a substitute bill, as follows:

## REPORT ON SENATE BILL NO. 11.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate

Bill No. 11, To Amend Section 1804 of the Revised Laws of Hawaii, Relating to Judgments and Executions, begs leave to report as follows:

This bill seeks to make judgments recovered in Courts of record a lien upon the real property of the judgment debtor. The Committee believes that the proposed bill in its present form is too much in detail, and is of the opinion that legislation of this character should be more general in its terms, leaving the details to be carried out by the officers of the Court. A further objection to the bill as introduced is that it is apparently copied largely from a code State. Your Committee believes that it is a mistake to attempt to incorporate into the Hawaiian System, which is the growth of years, parts of another system, based on an entirely different theory from that which this jurisdiction has proceeded on.

In place of this bill as introduced your Committee has prepared a substitute bill, which is hereto attached, which it is believed is not open to the above objections, and in addition thereto contains a provision for the enforcement of the judgment lien. The substitute bill also provides for the recording of the judgment lien in the Office of the Registrar of Conveyances, thus adding publicity to the lien, and rendering it readily accessible to one searching titles.

Your Committee recommends that Senate Bill No. 11 as introduced be tabled, and that in place thereof there be passed the substitute bill herewith submitted.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 10, 1911.

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Report of the Committee was adopted. Senate Bill No. 11 was tabled, and Senate Bill No. 65, substituted in place thereof, passed First Reading by Title and was referred to the Printing Committee.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, House Bill No. 76, which had been referred to the Committee on Ways and Means,, was taken up for consideration on Second Reading.

Second Reading of House Bill No. 76, entitled "An Act Making Appropriations for the Reconstruction, Improvement and Extension of the Wharves and Wharf-sheds at Mahukona, Hawaii, and Hanalei, Kauai, and for the Construction of Approaches Thereto."

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 89) from the Printing Committee, stating that Senate Bill No. 60, Governor's Message No. 5, and Report of the County of Maui, were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 60, entitled "An Act Relating to the Administration of the County of Hawaii and to Amend the Form of Government Thereof."

Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Bill was referred to a Select Committee composed of the Members from Hawaii.

Senator J. T. Brown presented a Report (No. 90) from the Printing Committee, stating that Senate Bill No. 39 was printed and ready for distribution. The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 39, entitled "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Street Railway System in the District of South Hilo, County of Hawaii."

Referred to the Judiciary Committee.

A Communication (No. 73) from the House of Representatives, returning Senate Bill No. 28, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 28, which this day passed Third Reading in the House of Repre-



sentatives of the Territory of Hawaii with the following amendment:

In line 1 of Section 1 of said Bill strike out the figures "5,000" and insert in lieu thereof the figures "10,000.00."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the amendment made by the House to Senate Bill No. 28 was concurred in by the Senate on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

A Communication (No. 74) from the House of Representatives, transmitting House Bill No. 121, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 121, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 121, entitled "An Act to Amend Sections 1781, 1782 of the Revised Laws as Amended, Relating to the Summoning of Jurors."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 75) from the House of Representatives, transmitting House Bill No. 103, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 103, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 103, entitled "An Act to Appropriate Money for the Relief of the Hilo Electric Light Company, Limited."

Upon motion by Senator Hewitt, seconded by Senator Makekau, the Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 76) from the House of Representatives, transmitting House Bill No. 88, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 88,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 88, entitled "An Act to Prohibit the Taking of Fish With Nets in the Waters of the Harbor of Honolulu."

The Bill passed First Reading by Title and was referred to the Committee on Public Health.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act Authorizing the Issuance of Certificates of Hawaiian Birth."

Under suspension of the rules, Senator Chillingworth introduced Senate Bill No. 66, entitled "An Act Authorizing the Issuance of Certificates of Hawaiian Birth."

The Bill passed First Reading by Title and was referred to the Printing Committee.

A Communication (No. 31) from the Secretary of the Territory re printing of Acts, Resolutions, etc., was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., March 9, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

I beg leave to acknowledge the receipt of a communication from the Clerk of the Senate, dated March 8, 1911, transmitting a certified copy of Senate Concurrent Resolution No. 2 in regard to the printing of the Session Laws of the present session, together with the Acts and Joint Resolutions of the Special Session of 1909, and as an appendix, the Organic Act of the Territory as amended, with such annotations to each section thereof as to me may be deemed desirable. I might

mention that on March 7, 1911, in accordance with House Resolution No. 11, a contract was executed between the Bulletin Publishing Co., Ltd., and myself as Secretary of Hawaii, Special Disbursing Agent, U. S. Treasury Department, for the printing and binding of 600 English copies, quarter bound, and 100 English copies, advance sheets, of the Session Laws of 1911, together with advertising English version, one insertion, and advertising Hawaiian version, one insertion, with translation. I will see if arrangements can be made with the publishing company to include the printing of the Acts and Joint Resolutions of the Special Session of 1909, and the Organic Act with amendments and annotations without cancelling the contract now standing. If this cannot be done, it will be necessary to pay for that portion of the publication containing the Acts and Joint Resolutions of the Special Session of 1909 and the Organic Act amendments and annotations out of the Territorial appropriation for Legislative Expenses.

Very respectfully yours,

E. A. MOTT-SMITH,  
Secretary of Hawaii.

The Communication was received and placed on file.  
At 12:17 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## TWENTY-FIRST DAY.

Saturday, March 11, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Twentieth Day was read and approved.

A Communication (No. 32) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 25, 69 and 4, was read by the Clerk as follows:

**EXECUTIVE BUILDING.  
Secretary of Hawaii.**

Honolulu, T. H., March 10, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 25, as Act 14, entitled "An Act to Amend Section 1 of Act 41 of the Session Laws of 1905, Relating to Prison Inspectors;"

House Bill No. 69 as Act 15, entitled "An Act to Limit the Time Within Which Warrants Upon the Territorial Treasury May be Paid, Adding a Section to be Known as Section 1542A to the Revised Laws;"

House Bill No. 4, as Act 16, entitled "An Act Making Appropriation for the Repair, Partial Remodeling and Reconstruction, and Furnishing of the Judiciary Building and for Moving and Temporary Accomodations Incidental Thereto."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Senator J. T. Brown presented a Report (No. 91) from the Printing Committee, stating that Senate Bill No. 63 was printed and ready for distribution.

The Report was received and placed on file.

Senator Quinn gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 3 of Act 15 of the Session Laws of 1905, Relating to Public Entertainments and Athletic Sports on Sunday."

Under suspension of the rules, Senator Quinn introduced Senate Bill No. 67, entitled "An Act to Amend Section 3 of Act 15 of the Session Laws of 1905, Relating to Public Entertainments and Athletic Sports on Sunday."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 46, entitled "An Act Relating to Expenses of District Magistrates, Amending Act 122 of the Laws of 1909."

Upon motion by Senator Pali, seconded by Senator Robinson, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Judd, Hewitt, Fairchild, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 58, entitled "An Act Relating to the Records in the Office of the Clerk of the Judiciary Department."

Upon motion by Senator Pali, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Judd, Hewitt, Fairchild, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Third Reading of Senate Bill No. 35, entitled "An Act to Provide for Writs of Error in Certain Instances in Criminal Cases."

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 70, entitled "An Act to Regulate the Rate of Interest Due or to Become Due by Persons Acquiring or Who Have Acquired Homesteads."

Upon motion by Senator Robinson, seconded by Senator Baker, the Bill was recommitted to the Judiciary Committee.

Third Reading of House Bill No. 46, entitled "An Act to Amend Section 2381 of the Revised Laws of Hawaii, Relating to the Recording of Certain Instruments, and Adding a New Section Thereto to be Known as Section 2381A."

Upon motion by Senator Judd, seconded by Senator Hewitt, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 76, entitled "An Act Making Appropriations for the Reconstruction, improvement and Extension of the Wharves and Wharf-sheds at Mahukona, Hawaii, and Hanalei, Kauai, and for the Construction of Approaches Thereto."

Senator Judd moved that action on the Bill be deferred until March 30, 1911; seconded by Senator Chillingworth, and lost.

Upon motion by Senator Fairchild, seconded by Senator Baker, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Fairchild, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senators C. Brown, Chillingworth and Judd.

Second Reading of Senate Bill No. 63, entitled "An Act Relating to Expenditures of Public Money, Amending Section 1 of Act 62 of the Laws of 1909 and Adding a New Section Thereto."

Referred to the Judiciary Committee.

Senator Judd presented a Report (No. 92) from the Judiciary Committee, recommending the passage of House Bill No. 8 with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 8.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 8, to Amend Section 13 of Act 39 of the Session Laws of 1905, as Amended by Section 1 of Act 54 of the Session Laws of 1905 and as Amended by Section 1 of Act 58 of the

Session Laws of 1909, Relative to Deputy Sheriffs, begs leave to report as follows:

This bill seeks to make the Deputy Sheriff of South Hilo, Hawaii, and the Deputy Sheriff of Wailuku, Maui, ex-officio, deputy sheriffs of their respective counties.

After a careful consideration of this bill, and a full discussion of the subject matter, your Committee recommends that the bill be amended by striking out the last five lines of Section 1 of the bill, beginning with the word "The," and that in lieu thereof there be inserted the following phrase:

"Every Deputy Sheriff so appointed shall, ex-officio, be Deputy Sheriff of the County."

This amendment is not a rejection of the House Bill, but is an extension of its provisions to cover all the Counties. Your Committee sees no reason why South Hilo, and Wailuku should be singled out, and considers it a very desirable provision that every deputy sheriff appointed as by law provided should be ex-officio deputy sheriff of the whole county.

Your Committee therefore recommends that the bill be passed as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 11, 1911.

Upon motion by Senator C. Brown, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 8 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 93) from the Judiciary Committee, recommending the passage of House Bill No. 71, as follows:

#### REPORT ON HOUSE BILL NO. 71.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 71, Prohibiting the members of the several Boards of



Supervisors from practicing or acting as Attorneys or Counselors at law in criminal cases and in certain civil causes, during their term of office, and prescribing a penalty therefor, begs leave to report as follows:

After a careful consideration of this bill, and a full discussion of the subject matter thereof your Committee believes that it is not undesirable to have attorneys or counselors at law as members of boards of supervisors, and sees no reason why the fact that a man is trained in the law and has a license to practice should exclude him from representing the electors on the board of supervisors. The possession of such professional skill rather would fit him peculiarly for the office, and certainly should not prevent him from filling the office. This bill would prevent any practicing lawyer from becoming a member of the Board of Supervisors, since to become a member of such a board it would be necessary for him to practically discontinue his law practice.

For the reasons above set forth your Committee recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 11, 1911.

Upon motion by Senator Kaleiopu, seconded by Senator Baker, the Report of the Committee was adopted, and House Bill No. 71 was tabled.

Senator Judd presented a Report (No. 94) from the Judiciary Committee, recommending the passage of House Bill No. 99, as follows:

REPORT ON HOUSE BILL NO 99.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 99, To amend Section 2214 of the Revised Laws of Hawaii, Relating to records and certificates of marriage, begs leave to report as follows:

This bill seeks to establish a very desirable rule of evidence, by making a duly issued marriage certificate prima facie evidence of marriage. Cases frequently arise in our Courts, having to do with real property, where it becomes necessary to establish the fact of a marriage long after the parties thereto are dead, and where all the witnesses thereto have likewise passed away. The bill is also in accord with the policy of having uniformity of law in the states and territories in the United States, many of the States already having passed similar statutes.

For the reasons above given your Committee recommend the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

March 11, 1911.

Committee.

Upon motion by Senator Kaleiopu, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 99 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act Providing for the Purchase of Certain Lands, Water-Rights, and Waterways in Palolo Valley, and Palolo Hill Tract, in the City and County of Honolulu.

Under suspension of the rules, Senator Chillingworth introduced Senate Bill No. 68, entitled "An Act Providing for the Purchase of Certain Lands, Water-Rights, and Waterways in Palolo Valley, and Palolo Hill Tract, in the City and County of Honolulu."

The Bill passed First Reading by Title, and was referred to the Printing Committee.

At 11:04 o'clock A. M., the Senate adjourned.

JOHN H. WISE,

Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,

President of the Senate.

## TWENTY-SECOND DAY.

Monday, March 13, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Kaleiopu absent.

The Journal of the Twenty-first Day was read and approved.

A Communication (No. 77) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 46, was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 46 were, this day, concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 78) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 28, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

Senate amendments to House Bill No. 28 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 79) from the House of Representatives, transmitting House Bill No. 117, was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith, House Bill No. 117, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 117, entitled "An Act to Amend Act 116 of the Session Laws of 1907, Relating to Hunting with Firearms."

The Bill passed First Reading by Title and was referred to the Military Committee.

Senator Hewitt presented a Petition (No. 5) from citizens and voters of Kau, Hawaii, praying for sundry appropriations, as follows:

Honolulu, Hawaii, March 15, 1911.

To the Honorable President and  
Members of the Senate.

Aloha:—

We, the undersigned citizens and voters, residing in the District of Kau, County and Territory of Hawaii, in accordance with what has transpired at a Mass Meeting held on the 4th day of March, A. D. 1911, through our Committee, hereby support the following plans:

1. Through the efforts of your Legislative body an appropriation should be made appropriating \$150.00 per month for a Government physician for the District of West Kau, and \$100.00 per month for a Government physician for East Kau for the benefit of the people of this district.

2. That the Legislature should continue the practice in so far as the election of Supervisors is concerned, not to amend it and allow it to run at large.

3. That an appropriation of \$5,500.00 be made for Waiohinu, and \$1,500 for Pahala, for the repairing of the Court House, Jail and Jailor's cottages in the District of Kau.

4. The Legislature shall ask the government to send an agent to examine the soil of the homestead and other lands suitable for agricultural purposes in the Territory.

5. That the Legislature request the Commissioner of Public Lands, to forthwith issue the Patents to the people who have paid moneys to the government for their homesteads at Ninole and Wallua, District of Kau.

We are members of the Committee.

J. K. KEKAULA,  
Chairman.

J. L. K. KAWAHA,  
Secretary.

GEO. K. KAWAHA,  
Member.

Y. K. KAAPA,  
Member.

JOEL ALUA,  
Member.

The Petition was referred to the Committee on Public Health. Senator J. T. Brown presented a Report (No. 95) from the Printing Committee, stating that Senate Bills Nos. 64, 65 and 66 were printed and ready for distribution.

The Report of the Committee was received and placed on file. Senator Judd presented a Report (No. 4) from the Special Joint Conference Committee on House Bill No. 78, as follows:

Honolulu, Hawaii, March 11, 1911.

Honorable H. L. Holstein,  
Speaker of the House of Representatives, and

Honorable Eric A. Knudsen,  
President of the Senate.

Sirs:—

Your Committee of Conference to whom was referred Senate amendments to House Bill No. 78, entitled "An Act to Establish a Commission for the Promotion of Uniformity of Legislation in the United States," introduced by Representative William J. Sheldon, beg leave to report as follows:

That said Committee having met and after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

Strike out all of the words in the Title, between the words "Commission" and "Uniformity" and insert in lieu thereof, the words "To Promote."

Also in line 2 of Section 1, strike out all the words "to cooperate in the Promotion of," and insert in lieu thereof, the words "to promote."

Respectfully submitted,

ALBERT F. JUDD,  
R. H. MAKEKAU,  
A. S. KALEIOPU,  
Conferees on the part of the Senate.

WM. J. SHELDON,  
ALFRED L. CASTLE,  
HENRY L. KAWEWEHI,  
Conferees on the part of the  
House of Representatives.

Upon motion by Senator Fairchild, seconded by Senator Pali, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kaleiopu and Quinn.

Senator Robinson gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 16 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to the Creation of Counties Within the Territory of Hawaii and Providing for the Government Thereof."

Under suspension of the rules, Senator Robinson introduced Senate Bill No. 69, entitled "An Act to Amend Section 16 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to the Creation of Counties Within the Territory of Hawaii and Providing for the Government Thereof."

The Bill passed First Reading by Title, and was referred to the Printing Committee.

Senator Baker presented a Resolution (No. 17), requesting certain information from the Commissioner of Public Lands, as follows:

#### RESOLUTION.

BE IT RESOLVED, that the following questions shall be submitted to the Commissioner of Public Lands, viz:

1. Is the land of Kioloku in the District of Kau, now occupied by the Hutchinson Sugar Plantation Company, regarded by the Government as Public Land? If so, what revenue, if any, is the Government deriving therefrom, and upon what terms is it held by said Company?

2. Is it not true that said land was assumed to have been sold by the late King Kalakaua, to parties through whom said parties now claim title thereto?

3. Is it not true that said land at the time of such assumed sale was Crown Land, or Government land, and that King Kalakaua had no title thereto?

4. What steps, if any, has the Government taken to recover said land, or to have the title thereto determined?

5. If the Government has taken no such steps, does the Government intend to take action to that end, or for that purpose? If not, why not?

6. Have any of the Lots laid out for homesteads upon the lands of Kaunamano, in said Kau, and which were not disposed of to homesteaders, been used by said Company, since the same were so laid off? If so, upon what terms has said Company used or occupied the same?

7. Is said Company now using or occupying any of said lots? If so, upon what terms?

8. If said Company has been, or is now occupying any of said Lots, have the same, or any thereof been applied for by intending homesteaders? If so, have they been allotted to homesteaders? If not, why not?

9. Is it not true that Lot 15 of said Kaunamano Homestead Tract has not been assigned, for homestead purposes? If it has not been so assigned, has it been applied for, for such purpose? If so applied for, why has it not been assigned for such purpose?

DAVID K. BAKER,  
Senator, First Senatorial District.

Senate Chamber,  
March 13, 1911.

Upon motion by Senator Baker, seconded by Senator Chillingworth, the Resolution was adopted.

Third Reading of House Bill No. 8, entitled "An Act to Amend Section 13 of Act 39 of the Session Laws of 1905, as Amended by Section 1 of Act 54 of the Session Laws of 1905, and as Amended by Section 1 of Act 58 of the Session Laws of 1909, Relative to Deputy Sheriffs."

Upon motion by Senator J. T. Brown, seconded by Senator C. Brown, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kalama, Makekau, Pali, Quinn, and President Knudsen. Total, 11.

Noes: Senators Hewitt and Robinson.

Absent and not voting: Senator Kaleiopu.

Third Reading of House Bill No. 99, entitled "An Act to Amend Section 2214 of the Revised Laws of Hawaii, Relating to Records and Certificates of Marriage."

Upon motion by Senator Pali, seconded by Senator Robinson, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Robinson, Quinn, and President Knudsen. Total, 12.

Noes: Senator Chillingworth.

Absent and not voting: Senator Kaleiopu.



Second Reading of Senate Bill No. 64, entitled "An Act to Provide a Revenue by Imposing a Specific Duty Upon Sugar Manufactured in This Territory, and to Provide for the Disposition of Such Revenue."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 65, entitled "An Act to Amend Section 1804 of the Revised Laws of Hawaii, as Amended, Relating to Judgments and Executions."

Upon motion by Senator C. Brown, seconded by Senator J. T. Brown, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 66, entitled "An Act Authorizing the Issuance of Certificates of Hawaiian Birth."

Referred to the Judiciary Committee.

Senator C. Brown presented a Report (No. 5) from the Special Committee on Senate Bill No. 33, recommending the passage of the Bill, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Special Committee of Oahu members to whom was referred, upon recommendation by the Judiciary Committee, Senate Bill No. 33, being "An Act to Amend Act 118 of the Session Laws of 1907, and Repealing Chapter Eleven of said Act," have had same under consideration, and report as follows:

The Judiciary Committee recommended in its report that all of paragraph A be stricken out, and a new paragraph A be inserted in its place; the change is simply in the wording, and makes no change or alteration in its effect if the Act becomes law. We agree that the recommendation of that Committee be adopted as well as the other minor amendments recommended.

A draft of the Bill as it would be if the amendments are adopted, is submitted herewith.

In most if not all, of the States and Territories, some provision is made for a recount of the votes cast at elections, and we believe that the Act introduced with the amendments thereto made will facilitate and improve the method now in vogue and as prescribed in Chapter Eleven of Act 118 of the Session

Laws of 1907. The Act applies, as well as the proposed amendment, to the City and County of Honolulu, and no other County.

We recommend that the Act as amended pass.

Respectfully submitted,

CECIL BROWN,  
CHAS. F. CHILLINGWORTH,  
ALBERT F. JUDD.

Honolulu, March 13, 1911.

Upon motion by Senator C. Brown, seconded by Senator Hewitt, the Report of the Committee was adopted; Senate Bill No. 33 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Chillingworth presented a Report (No. 6) from the Special Conference Committee on House Concurrent Resolution No. 5, as follows:

Honolulu, Hawaii, March 13, 1911.

Hon. Eric A. Knudsen,  
President of the Senate, and

Hon. H. L. Holstein,  
Speaker of the House.

Sirs:—

Your Conference Committee in re House Resolution pertaining to the division of the Federal Funds met on the 11th day of March, A. D. 1911 and recommend that the division be as follows:

SENATE: Eleven Thousand Dollars (\$11,000).

HOUSE OF REPRESENTATIVES: Nineteen Thousand Dollars (\$19,000).

Your Committee feels that as the Senate is run on an economical basis the sum of Eleven Thousand Dollars (\$11,000) will be sufficient for its needs.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman Senate Com.

DAVID K. BAKER,  
PHILIP PALI.

J. H. CONEY,  
Chairman House Com.

NORMAN WATKINS,  
EDWARD WAIHAHOLO.

Upon motion by Senator Baker, seconded by Senator Chillingworth, the Report of the Committee was adopted.

Senator Judd presented a Report (No. 96) from the Judiciary Committee, recommending the passage of House Bill No. 121, as follows:

REPORT ON HOUSE BILL NO. 121.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 121, To Amend Sections 1781 and 1782 of the Revised Laws of Hawaii as amended, Relating to the summoning of Jurors, begs leave to report as follows:

After a full consideration of this bill, and a careful investigation and discussion of the objects thereof, your Committee consider that this bill is a meritorious one. The objects of the bill are two.

First, by section 1, to do away with the present uncertainty as to whether the sheriff may properly deputize any one of the officers under him to summon jurors.

Second, to allow the court to summon additional grand jurors by any deputy sheriff or police officer, in addition to the sheriff.

The bill is in proper form, and your Committee recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 13, 1911.

Upon motion by Senator C. Brown, seconded by Senator Hewitt, the Report of the Committee was adopted; House Bill No. 121 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 97) from the Judiciary Committee, recommending that House Bill No. 72 be tabled, as follows:

## REPORT ON HOUSE BILL NO. 72.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 72, Relating to the appointment and removal of District Magistrates, and amending Section 1660 of the Revised Laws of Hawaii, as amended by Act 61 of the Session Laws of 1905, and by Act 38 of the Session Laws of 1909, and Section 1661 of the Revised Laws of Hawaii, as amended by Act 61 of the Session Laws of 1905, begs leave to report as follows:

This bill seeks to amend the present law as to the appointment of District Magistrates and their qualifications, by providing that in the districts of Honolulu, Walluku, South Hilo and Lihue, such Magistrates shall have resided within the Judicial Circuit to which appointment is made for at least one year prior to the date of appointment. This provision would prevent appointments similar to the one made to the position of District Magistrate in Kona. The appointee in this case was a resident of Honolulu when appointed, but the appointment has given general satisfaction in Kona.

The bill also seeks to add to the present law as to the tenure of office the following: "until their successors are appointed and qualified."

After careful consideration and investigation your Committee finds that none of the changes sought to be made in the present law are desirable, and your Committee is further of the opinion that there has been ample legislation upon this subject, that the law should remain as it now stands, and that this bill is entirely unnecessary.

For the reasons above set forth your Committee recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 13, 1911.

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Report of the Committee was adopted, and House Bill No. 72 was tabled.

Upon motion by Senator Fairchild, seconded by Senator C. Brown, Senate Bill No. 17 and House Bill No. 55, which had been referred to the Committee on Ways and Means, were now referred to a Select Committee composed of the Members from Maui.

A Communication (No. 80) from the House of Representatives, transmitting House Bill No. 139, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES,**

Honolulu, T. H., March 13, 1911.

**The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.**

Gentlemen:—

I have the honor to transmit herewith House Bill No. 139, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

**EDWARD WOODWARD,  
Clerk, House of Representatives.**

The Communication was received and placed on file.

First Reading of House Bill No. 139, entitled "An Act to Appropriate Money for the Relief of the Hawaiian Development Co., Limited."

The Bill passed First Reading by Title, and was referred to the Committee on Ways and Means.

Senator Makekau gave notice of his intention to introduce the following Bills:

1. "An Act to Amend Sections 2687 and 2688 of the Revised Laws of Hawaii, Relating to Weights and Measures."
2. "An Act to Amend Section 419 of the Revised Laws of Hawaii, Relating to Brands."

Under suspension of the rules, Senator Makekau introduced Senate Bill No. 70, entitled "An Act to Amend Sections 2687 and 2688 of the Revised Laws of Hawaii, Relating to Weights and Measures."

The Bill passed First Reading by Title, and was referred to the Printing Committee.

The rules being suspended, Senator Makekau introduced Senate Bill No. 71, entitled "An Act to Amend Section 419 of the Revised Laws of Hawaii, Relating to Brands."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd presented a Report (No. 7) from the Joint Conference Committee on House Bill No. 42, as follows:

Honolulu, March 11, 1911.

Honorable H. L. Holstein,  
Speaker of the House of Representatives, and

Honorable Eric A. Knudsen,  
President of the Senate.

Sirs:—

Your Committee of Conference to whom was referred Senate amendments to House Bill No. 42, entitled "An Act to Provide for Financial Reports of the City and County of Honolulu and the Several Counties," introduced by Representative E. K. Fernandez, beg leave to report as follows:

That said Committee having met after full and free conference have agreed to recommend and do recommend to their respective houses, as follows: That the Senate recede from its amendments to said House Bill and agree to the Bill as passed by the House of Representatives.

Respectfully submitted,

ALBERT F. JUDD,  
WM. T. ROBINSON,  
GEO. C. HEWITT,  
Conferees on the part of the Senate.

CHAS. A. RICE,  
WM. WILLIAMSON,  
EDWIN K. FERNANDEZ,  
Conferees on the part of the  
House of Representatives.

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Pali, Makekau, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopu.

At 11:26 o'clock A. M., the Senate took a recess until 2:00 o'clock P. M.

### AFTERNOON SESSION.

The Senate reconvened at 2:00 o'clock P. M.

There being no quorum, a recess was taken subject to the call of the Chair.

The Senate was called to order at 2:21 o'clock P. M., and upon motion by Senator Makekau, seconded by Senator Pali, stood adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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### TWENTY-THIRD DAY.

Tuesday, March 14, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Kalama absent.

The Journal of the Twenty-second Day was read and approved.

A Communication (No. 33) from the Chief Clerk of the Office of the Secretary of the Territory, informing the Senate that the Governor had signed House Bills Nos. 64 and 52 and Senate Bill No. 28, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 13, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii. .

Sir:—

By direction of the Secretary, I have the honor to notify your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 64, as Act 17, entitled "An Act to Amend Section 1272 of the Revised Laws of Hawaii Relating to Procedure for Enforcing Payment of Delinquent Taxes Assessed Against Unknown or Non-Resident Persons;"

House Bill No 52, as Act 18, entitled "An Act to Amend Section 1381 of the Revised Laws of Hawaii, Relating to Hotel, Boarding House and Restaurant Licenses;"

Senate Bill No. 28, as Act 19, entitled "An Act Making an Additional Appropriation for New Building and Furnishings for the Kapiolani Girls' Home."

Very truly yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 81) from the House of Representatives, informing the Senate of its adoption of the Report of the Joint Conference Committee on House Bill No. 78, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the





Report of the Joint Conference Committee on House Bill No. 78 was this day adopted in the House of Representatives of the Territory of Hawaii .

Very respectfully yours.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 82) from the House of Representatives, informing the Senate of its adoption of the report of the Joint Conference Committee on House Bill No. 42, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Joint Conference Committee on House Bill No. 42 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 83) from the House of Representatives, notifying the Senate of its adoption of the report of the Joint Conference Committee on House Concurrent Resolution No. 5, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

report of the Joint Conference Committee on House Concurrent Resolution No. 5 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 84) from the House of Representatives, notifying the Senate of its non-concurrence in the amendment made to House Bill No. 8, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii, this day, failed to concur in the Senate amendment to House Bill No. 8, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Castle, Sheldon and Hale.

Very respectfully yours.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file; whereupon the Chair appointed Senators Hewitt, Quinn and Kalama as Senate Conferees on House Bill No. 8.

Senator J. T. Brown presented a Report (No. 98) from the Printing Committee, stating that Senate Bills Nos. 69, 70 and 71 were printed and ready for distribution.

The Report of the Committee was received and placed on file. Second Reading of Senate Bill No. 69, entitled "An Act to

Amend Section 16 of Act 39 of the Session Laws of 1905, as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to the Creation of Counties Within the Territory of Hawaii and Providing for the Government Thereof."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 70, entitled "An Act to Amend Sections 2687 and 2688 of the Revised Laws of Hawaii, Relating to Weights and Measures."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 71, entitled "An Act to Amend Section 419 of the Revised Laws of Hawaii, Relating to Brands."

Referred to the Judiciary Committee.

Senator Quinn presented a Report (No. 99) from the Committee on Accounts, showing the amount expended by the Senate to March 11, 1911, as follows:

#### SENATE CHAMBER.

Honolulu, T. H., March 13, 1911.

Hon. Eric A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Sir:—

Your Committee on Accounts begs leave to herewith present a partial report of the expenses of this session of the Senate up to Saturday, March 11, 1911, the Twenty-first Day of the Session.

Amount drawn on the Territorial Appropriation.....\$3,105.50

Segregated as follows:

Compensation of Senators, First Installment.\$3,000.00

Rental of typewriter ..... 8.00

Trip to Girls' and Boys' Schools, Kalihi....\$ 7.50

Legal Services to Special Committee..... 90.00

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Amount drawn on the Federal Appropriation.....\$1,412.05

Segregated as follows:

Mileage of Senators .....\$ 274.20

Salaries and Clerk hire ..... 1,007.50

Typewriting . ..... 110.30

Incidentals . ..... 14.60

Stationery . ..... 5.45

Act 1, Session 1911, Territorial Appropriation.....\$23,000.00

Amount drawn therefrom ..... 3,105.00

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Balance on hand, Territorial Appropriation .....\$ 19,894.50

Senate Apportionment, Federal Appropriation, Act	
June 17, 1910 .....	\$ 11,000.00
Amount drawn on Federal Appropriation .....	1,412.05
<hr/>	
Balance on hand, Federal Appropriation .....	\$ 9,587.95
Total amount drawn on both Federal and Territorial	
Appropriation . ....	\$ 4,517.55
Total amount on hand .....	\$ 29,482.45

Respectfully submitted,

E. W. QUINN,

Chairman.

WM. T. ROBINSON,

GEO. C. HEWITT.

The Report of the Committee was received and placed on file, and the Clerk was instructed to furnish the Members with type-written copies of the same.

Senator C. Brown introduced a Concurrent Resolution (No. 6) re the construction of a Ditch from Hilo to Kau, which was read by the Clerk as follows:

#### CONCURRENT RESOLUTION.

REQUESTING CONGRESS TO ENACT AND THE PRESIDENT TO APPROVE AN ACT AUTHORIZING THE CONSTRUCTION OF A DITCH FROM HILO TO KAU, ISLAND AND TERRITORY OF HAWAII, AND FOR OTHER PURPOSES INCIDENTAL THERETO.

WHEREAS, there are large areas of fertile land in the District of Kau, Island and Territory of Hawaii, both of public and private ownership, which are non-productive, or productive only to a limited degree, by reason of the lack of rainfall, or water for irrigation;

AND WHEREAS, there are many streams in the District of Hilo, on said Island, much of the water of which is running to waste;

AND WHEREAS, it will be in the public interest to have the said waste water conveyed to said arid and semi-arid lands, for the purpose of developing the same and bringing them under cultivation;

AND WHEREAS, the cost of constructing the ditches, re-

servoirs and other structures necessary or incidental to the transportation of said waters as aforesaid, and of maintaining and operating the same, will be large, rendering it necessary for parties undertaking such work to raise money to operate by means of the issuance of bonds;

AND WHEREAS, it is improbable that private capital, without the guarantees hereinafter contemplated and provided for, would undertake to finance the said enterprise;

AND WHEREAS, in the opinion of this Legislature, the public interests will be advanced by the successful development of said lands in the District of Kau by means of said waters to the extent of warranting public assistance in that behalf, in manner herein set forth;

AND WHEREAS, the sanction and approval of Congress is necessary in order to secure to the grantee hereunder the rights, powers, privileges and authority herein enumerated;

NOW THEREFORE, BE IT RESOLVED:

That the Legislature of the Territory of Hawaii doth hereby recommend to and petition the Congress of the United States to pass, and the President to approve, an Act of Congress in substantially the following form, viz:

Section 1. The right and power is hereby granted to John T. McCrosson, and to his associates and assigns, and to such corporation as may be organized by him or them for the purpose of taking over and exercising the rights, powers and privileges hereby conferred, hereinafter collectively referred to as the "ditch company," to construct a ditch and ditches from any point or points in the District of Hilo, (which term shall be held to include both North and South Hilo), Island and Territory of Hawaii, through the said District last aforesaid, to and through the said Districts of Kau and Puna in said Island and Territory, and to any point or points therein.

Section 2. And also the right to enter and power to construct and erect within the limits of said Districts of Hilo, Puna and Kau, any other ditches and any tunnels, dams, water heads, reservoirs, roads, trails, wire-lined conduits, buildings, machinery, and/or other structures or appliances, necessary or proper for diverting, securing or storing water to flow through said ditch or ditches, or for the production and/or transmission of power produced by such water or therefrom.

Section 3. And also the right and power to buy, take on lease, or otherwise acquire by private purchase, and to hold, all land or interests in land, necessary, convenient or proper for the purposes aforesaid, or any of them.

Section 4. And also the right and power to condemn and

take any land, or interest in land, necessary or proper for rights of way, or for dam or reservoir or building sites, for the purposes aforesaid, or any of them, SUBJECT, HOWEVER in all respects to the obligations, restrictions, payments and procedure now or hereafter imposed or prescribed by the laws of the Territory of Hawaii for the exercise of the right of eminent domain by public railroads in the said Territory.

Section 5. The commissioner of public lands for the Territory of Hawaii, hereinafter referred to as the "commissioner," is hereby authorized and directed to execute to the said John T. McCrosson, his associates and assigns, or to such corporation as may be organized by him or them for the purpose of taking over the rights, powers and privileges hereby conferred, and the governor of the Territory of Hawaii, hereinafter referred to as the "governor," is authorized and directed to approve a lease of all such public lands in the District of Kau to be designated by the ditch company, as are capable of being economically irrigated therefrom, together with rights of way for ditch purposes over all government lands situate in said Districts of Hilo, Puna and Kau. The lease shall provide that if within six months from the date of the first delivery of water in the said District of Kau, by said ditch company, it is ascertained to the satisfaction of said company that any of the lands theretofore designated by it are incapable of being economically watered from its waterways, such lands, or any portion thereof may be surrendered by the said company by notice in writing to said commissioner, and no rent for said lands so surrendered, if any, shall be charged or collected by the lessor, and that the surrender of a portion of such lands, as herein provided, shall in no wise affect the lessee's tenancy of the remaining lands under said lease; that the term of said lease shall be fifty years from the date hereinafter set forth; that the said ditch company shall have the right and authority at all times after the execution of said lease to enter upon said lands, and any and all thereof, for the purpose of surveys, construction work, etc.: that the rent to be paid for said lands shall be at the rate of one dollar per acre, per annum, payable to the Territory at its option, either in water from the waterways of said ditch company at the lowest rate payable by any consumer of water furnished by the company, or in cash. And the said ditch company shall furnish to homesteaders or settlers along the line of the company's waterways, or such other person or persons along said waterways, as said commissioner, with the approval of the governor, may direct, at a point or points to be designated by such officials, such water due as rental for said public lands. The lessee (ditch company) shall have full right to sublet the

said lands or any part thereof, or to assign the said lease in whole or in part, either by way of security or otherwise, SUBJECT, HOWEVER, in all things to the provisions hereof. The said lease shall be made subject to any unexpired and outstanding lease of any or all of such lands, and shall contain appropriate provisions to secure the construction and maintenance of the necessary works for supplying such lands with water, and the reversion of such works to the Territory upon the termination of the lease as hereinafter provided.

Section 6. Not more than thirty per cent. of the lands so held under lease by the ditch company may at any time after the expiration of six months from the date of the first delivery of water as aforesaid, by said company be withdrawn for public purposes, or homesteaded, or sold for other purposes under the laws relating to public lands in Hawaii such withdrawal of lands to be in blocks of not less than five hundred acres and the right of way of the ditch company through such land so withdrawn to be reserved to it, in which case the rent reserved shall be proportionately reduced at the rate of one dollar per acre for the land so withdrawn, homesteaded and sold; PROVIDED, that written notice of intention to withdraw any portion of such public lands, together with a proper description of the lands so to be withdrawn, shall be served, upon the ditch company by said commissioner, with the approval of the governor, not less than three calendar months before such withdrawal is to take effect; PROVIDED, ALSO, that growing crops, if any, upon said lands so to be withdrawn may be harvested by the ditch company, or those holding under it before such withdrawal is or shall be operative.

Section 7. The said lease shall go into effect when the said company shall have constructed a ditch from said District of Hilo to Pahala in said Kau, with a delivering capacity of one hundred million gallons of water per day of twenty-four hours, and when fifty million gallons of water shall have been actually delivered by means of said waterway to said Pahala within a period of twenty-four consecutive hours, such date to be ascertained by said commissioner and fixed by him with the approval of the governor. Notice of the fixing of such date, and the consequent beginning of the term of said lease, shall be communicated in writing to said ditch company by said officials within ten days from the date thereof.

Section 8. A sum, not less than \$50,000 in cash shall be actually expended by said ditch company in preliminary surveys, construction work upon said ditch or reservoirs, or for other good and useful purposes in that behalf, within one (1) year, \$100,000 within two (2) years, and \$1,000,000 within three years, from the date of the approval of this Act by the President.

Section 9. The said ditch shall be completed as far as Pahala, in said District of Kau, within four (4) years, and as far as Waiohinu, said Kau, within five (5) years from the date of said approval. If the said John T. McCrosson, his associates or assigns, or a corporation organized by him, as aforesaid, shall fail to expend the said respective sums of money, or either of them, within the respective times aforesaid, for the purposes aforesaid, then and in such case all of the rights, powers and privileges hereby granted and said lease shall be forfeited and become null and void and of no effect, and all works and improvements up to that time erected or constructed shall immediately revert to and become the property of the Territory, PROVIDED, HOWEVER, that the time hereinabove fixed for completion of the said ditch to various points for the expenditure of moneys in surveys, construction and other work aforesaid, and for the doing of any other or different act required by the said J. T. McCrosson, his associates or assigns, or a corporation organized by him, as aforesaid, may for good cause shown be extended by order of the governor for a time which he shall deem reasonable in view of such cause.

Section 10. If after the said expenditures have been made, any of said beneficiaries hereunder, shall fail to observe or perform any of the terms, requirements or conditions herein contained or prescribed, the governor shall give such beneficiary written notice to furnish to him within three months from date of such notice, assurances and proofs satisfactory to said governor that said breach or failure will be remedied and all terms, requirements and conditions herein contained or prescribed, observed, performed or complied with, within one (1) year after the date of such notice. If said beneficiaries shall fail to furnish to said governor assurances and proofs as aforesaid, within said term of three months, or, if having furnished the same, there shall at the end of said term of one (1) year, remain unperformed, unfulfilled, or unobserved, any term, requirement or condition herein contained, on the part of the beneficiary or beneficiaries to be observed, kept or performed, then and in such case all of the rights, powers and privileges hereby granted, and said lease, shall be forfeited and become null and of no effect.

Section 11. The corporation formed by the said J. T. McCrosson as aforesaid, for the purposes aforesaid, and its property used for or in carrying into effect the purposes aforesaid, or any of them, and its income, shall be free from territorial, municipal, and county property and income taxes for the term of ten years after the approval of the act.

Section 12. The rates at which water flowing along said ditch, and power produced thereby, or incidental thereto, shall



be sold to applicants, shall be fixed and published from time to time by the said ditch company with the approval of the governor, and the said rate shall be the same to all.

Section 13. Such rates shall be based upon the yielding of not more than sufficient revenue to pay the following, viz:

(1) The reasonable expenses of maintenance and operation of said ditch and other plant and appurtenances;

(2) Interest on any bonds issued to procure money with which to construct said ditch and other plant and appurtenances, at a rate not to exceed 6% per annum, payable semi-annually:

(3) An annual sinking fund to redeem all of said bonds within the term of the said lease and franchises hereby granted;

(4) Dividends on the capital stock issue of the ditch company at a rate not to exceed 8% upon the actual cost of the said ditch and other plant and appurtenances.

Section 14. If at any time the income of the said ditch company shall exceed a sum sufficient for the purposes aforesaid, the said water shall be reduced to an estimated price, approved by the governor, which will produce an income in compliance with the provisions of the section last aforesaid.

Section 15. The said ditch company shall at the end of each fiscal year, ending June 30th, file with the said governor a report showing what its transactions have been during the previous year; what additions to the plant, if any, have been made; the actual cost thereof; its receipts and whence derived; and expenditures and for what made, during the previous year. Such reports shall be open to public inspection. The books, papers, accounts and records of said ditch company shall at all times be subject to the inspection of the governor or land commissioner, and to pay any agent or representative of said officers or either of them.

Section 16. At the end, or sooner determination, of the lease and franchises herein provided for, the said ditch and other plant and appurtenances shall revert to and become the property of the Territory of Hawaii, without payment therefor, and free of all charges, expenses, liens or obligations whatsoever.

Section 17. The Territory of Hawaii may at any time after ten years from the completion of the said ditch purchase from the said J. T. McCrosson, his associates or assigns, or any corporation organized by him as aforesaid, the said ditch, together with all property and rights of whatsoever nature appertaining thereto or used in connection therewith, for a sum equal to the cost thereof plus twenty (20) per cent. of such cost.

CECIL BROWN,

March 14, 1911.

Senator, 3rd Senatorial District.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Resolution was referred to the Printing Committee.

Senator Fairchild gave notice of his intention to introduce a Bill entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the 30th Day of June, A. D. 1909."

Under suspension of the rules, Senator Fairchild introduced Senate Bill No. 72, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the 30th Day of June, A. D. 1909."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Pali gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 115 of the Revised Laws, Relating to Holidays."

Under suspension of the rules, Senator Pali introduced Senate Bill No. 73, entitled "An Act to Amend Section 115 of the Revised Laws, Relating to Holidays."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Second Reading of Senate Bill No. 32, entitled "An Act Amending Act 39 of the Session Laws of 1905, and Repealing Chapter 2 Thereof."

Upon motion by Senator Pali, seconded by Senator Makekau, the Bill was tabled.

Third Reading of Senate Bill No. 33, entitled "An Act Amending Act 118 of the Session Laws of 1907 and Repealing Chapter XI Thereof."

Upon motion by Senator C. Brown, seconded by Senator Kaleiupu, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Kalama.

Third Reading of Senate Bill No. 65, entitled "An Act to Amend Section 1804 of the Revised Laws of Hawaii, as Amended, Relating to Judgments and Executions."

Upon motion by Senator Judd, seconded by Senator Hewitt,

the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Kalama.

Third Reading of House Bill No. 121, entitled "An Act to Amend Sections 1781 and 1782 of the Revised Laws as Amended, Relating to the Summoning of Jurors."

Upon motion by Senator Judd, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Kalama.

Senator Judd presented a Report (No. 100) from the Judiciary Committee, recommending that Senate Petition No. 3 be tabled:

**REPORT ON SENATE PETITION NO. 3 FROM KAPAA  
HOMESTEADERS, PRAYING FOR RELIEF.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee to whom was referred Senate Petition No. 3, from the Kapaa Homesteaders, praying for relief, begs leave to report as follows:

This petition was referred to the Judiciary Committee for the purpose of securing  
"legal expression as to the legality of the granting of the  
"relief prayed for."

Reference to the petition shows that the request made by these petitioners was

"That the payments they have already made on their purchase  
"be deemed sufficient prices for the lots, and that your pe-  
"titioners be discharged from any and all further obligations  
"to pay the balance now due on their purchases."

Your Committee, after a careful consideration of this petition is of the opinion that the request made in the petition cannot be granted. These petitioners, under the land laws of Hawaii which the Legislature cannot change, bid at public

auction and made purchases of these lands, and thereafter entered into contracts with the government to take homesteads (par. 2. Sec. 276 R. L.). Your Committee believes that to have the Legislature release these petitioners from the obligations which they have voluntarily assumed is in effect an attempt to change the land laws of Hawaii. Your Committee believes further that such action on the part of the Legislature would open the door to similar petitions from every collection of homesteaders in the Territory. An examination of the land laws of the Territory convinces this Committee that the Legislative Department of the Government is without authority to act in this matter as requested.

For the reasons above given your Committee recommends that this petition be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 14, 1911.

Upon motion by Senator Fairchild, seconded by Senator Pali, the Report of the Committee was adopted, and Senate Petition No. 3 was tabled.

Senator Judd presented a Report (No. 101) from the Judiciary Committee, recommending that Senate Concurrent Resolution No. 5 be tabled, as follows:

REPORT ON SENATE CONCURRENT RESOLUTION NO. 5.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Concurrent Resolution No. 5, relating to the cancellation of certain homestead agreements, begs leave to report as follows:

This Resolution seeks to have six months further time given to homesteaders in which to pay all interests and claims to the Territory, before actually putting the cancellation into effect.

Your Committee has gone very thoroughly into this matter,

and finds that the Commissioner of Public Lands is very willing to give every person all the consideration he is entitled to, so far as it is possible to do so under the law. Further the Commissioner is willing to give further time to anyone who shows that he is willing to, and will honestly endeavor to live up to the terms of his agreement. There are many cases where for a long term of years the homesteader has ignored the terms of his contract with the government and has made no attempt to live up to the terms thereof. In every case where the homesteader shows to the Commissioner of Public Lands that he is endeavoring to the best of his ability to carry out the terms of his contract, the Commissioner is willing to and does give further time, and will do everything possible to aid the bona fide homesteader.

In view of the foregoing there seems to be no need of the passage of the above resolution, and your Committee therefore recommends that this resolution be tabled, in which recommendation the introducer of the Resolution concurs.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 14, 1911.

Upon motion by Senator J. T. Brown, seconded by Senator Pali, the Report of the Committee was adopted, and Senate Concurrent Resolution No. 5 was tabled.

Senator Judd presented a Report (No. 102) from the Judiciary Committee, recommending that Senate Bill No. 62 be tabled, as follows:

REPORT ON SENATE BILL NO. 62.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 62, To amend Section 62 of Act 39 of the Session Laws of 1905, by adding a new paragraph to be called paragraph 5A, begs leave to report as follows:

This bill seeks to give the various counties in the Terri-

tory the authority to pass ordinances relating to the borrowing of money by bonds for certain public purposes.

After full investigation and consideration of this bill your Committee is of the opinion that a matter of this kind which involves the credit of all the counties of this Territory is a matter which should not be left to county ordinances. This is something which ought to be dealt with, if at all, by a general enabling act, under which careful provision should be made, authorizing each county to issue bonds.

In view of the provisions of Section 55 of the Organic Act, as amended, by Act of Congress of the United States, May 27, 1910, which says:

"the Legislature may authorize loans by the Territory or  
"any such subdivision thereof" etc. there arises grave doubts in the minds of your Committee as to the constitutionality of this bill, which seeks to delegate this power to the counties.

Irrespective of the questions of policy involved, in view of the doubtful constitutionality of the bill your Committee recommend that it be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,

I do not concur

R. H. MAKEKAU.  
Committee.

March 14, 1911.

Upon motion by Senator Makekau, seconded by Senator Baker, the Report of the Committee, together with the Bill, were laid on the table to be taken up for consideration with Senate Bill No. 48.

At 10:54 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## TWENTY-FOURTH DAY.

Wednesday, March 15, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Kalama absent.

The Journal of the Twenty-third Day was read and approved.

A Communication (No. 85) from the House of Representatives, transmitting House Joint Resolution No. 5, was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 14, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Joint Resolution No. 5, which, this day, passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
First Reading of House Joint Resolution No. 5, as follows:

## JOINT RESOLUTION.

BE IT RESOLVED by the Legislature of the Territory of Hawaii that the President of the Senate, Speaker of the House, Chairman of the Ways and Means Committee of the Senate, and Chairman of the Finance Committee of the House be and they hereby are constituted a committee which, acting with the Treasurer of the Territory, shall examine and investigate the tax and revenue laws of the Territory, their legal operation and effect, the manner of their enforcement, and suitability with respect to existing conditions and the financial needs of the Territory, and shall consider ways and means for the revision and improvement of said laws if

deemed necessary or advisable. Such committee shall prepare and submit to the Governor not later than January 1, 1913, for transmission to the Legislature of 1913, the result of its deliberations, together with its recommendations respecting changes and improvements in the present tax laws. The committee may, in its discretion, employ legal counsel to assist it in its work; and

BE IT FURTHER RESOLVED that the sum of ONE THOUSAND (\$1,000.00) DOLLARS be and it hereby is appropriated for the expenses of such committee.

Upon motion by Senator Fairchild, seconded by Senator Pali, House Joint Resolution No. 5 passed First Reading and was referred to the Judiciary Committee.

Senator J. T. Brown gave notice of his intention to introduce a Bill entitled "An Act to Amend Line 6 of Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905 of the Territory of Hawaii, Relating to the Salary of the Sheriff of the County of Hawaii."

Under suspension of the rules, Senator J. T. Brown introduced Senate Bill No. 74, entitled "An Act to Amend Line 6 of Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905 of the Territory of Hawaii, Relating to the Salary of the Sheriff of the County of Hawaii."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Chillingworth gave notice of his intention to introduce the following Bills:

1. "An Act Amending Section 1320, Revised Laws, Relating to the Schedule of Stamp Duties."

2. "An Act Amending Section 2356, Revised Laws, Relating to Fees of the Registrar of Conveyances."

3. "An Act to Provide for the Compulsory Filing of Plans of Sub-divisions of Tracts of Land from Which Lots Are to be Sold, by Lot Number and Block Number."

4. "An Act Amending Section 2359 of the Revised Laws, as Amended by Act 7 of the Session Laws of 1905, Relating to the Duties of the Registrar of Conveyances."

Under suspension of the rules, Senator Chillingworth introduced Senate Bill No. 75, entitled "An Act Amending Section 1320, Revised Laws, Relating to the Schedule of Stamp Duties."



The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Chillingworth introduced Senate Bill No. 76, entitled "An Act Amending Section 2356, Revised Laws, Relating to Fees of the Registrar of Conveyances."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Chillingworth introduced Senate Bill No. 77, entitled "An Act to Provide for the Compulsory Filing of Plans of Sub-divisions of Tracts of Land from Which Lots Are to be Sold, by Lot Number and Block Number."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Chillingworth introduced Senate Bill No. 78, entitled "An Act Amending Section 2359 of the Revised Laws, as Amended by Act 7 of the Session Laws of 1905, Relating to the Duties of the Registrar of Conveyances."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 1335 of the Revised Laws of Hawaii as Amended by Act 90 of the Session Laws of 1907."

Under suspension of the rules, Senator Chillingworth introduced Senate Bill No. 79, entitled "An Act to Amend Section 1335 of the Revised Laws of Hawaii as Amended by Act 90 of the Session Laws of 1907."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Robinson offered the following Resolution (No. 17) relating to an appropriation to pay the claim of Isaac Wallace, Sr.:

#### RESOLUTION.

RESOLVED that the sum of Twenty-six Dollars (\$26.00) be inserted in the Appropriation Bill to pay the claim of Issac Wallace Sr.

March 15, 1911.

WM. T. ROBINSON,  
Senator, 2nd District.

Referred to the Ways and Means Committee.

Senator Judd presented a Report (No. 103) from the Judiciary Committee, recommending the passage of Senate Bill No. 63 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 63.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 63, Relating to expenditure of Public Money, amending Section 1 of Act 62 of the Session Laws of 1909, and adding a new section thereto, begs leave to report as follows:

This bill seeks to make it possible in certain instances to expend money for certain objects which are now only permitted after public advertisement. In several instances the requirement of public advertisement before contract has worked a serious hardship, especially has this been the case with work and especially food supplies for the Leper Settlement on the Island of Molokai. It has happened that after advertisement for food supplies no bids have been received, and a strict compliance with the letter of the present law would have left the people in the settlement without food. There are also certain kinds of food which have to be bought for the Leper Settlement which can be more advantageously purchased in small quantities and at frequent intervals.

Your Committee recommends that Section 1 of said bill be amended by inserting the following words after the word "County" in line 15 of said section:

"or of the Governor in the case of the Territory,"

Your Committee further recommends that the following words be added to Section 1 of said bill at the end of said section:

"And provided further that nothing herein provided shall prevent the Board of Health, if after publication of a call for tenders as herein provided for it receives no bids from any responsible bidder or only one bid therefrom, from purchasing at regular market prices, meats on the hoof or otherwise, and food stuffs, as may from time to time be required for the Leper Settlement."

Due to its location the Leper Settlement has difficulty in securing bids from responsible bidders, or in fact any bids at all, after advertisement for supplies of various kinds. This is due to a number of causes, among which are location, difficulties of transportation, etc. Your Committee considers it very essential that all precautions should be taken to avoid

any danger of a shortage of food supply at the Leper Settlement because of lack of bids, or for any other reason.

For the reasons above given your Committee recommends that this bill, as amended, be passed.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 15, 1911.

Upon motion by Senator C. Brown, seconded by Senator Barker, the Report of the Committee was adopted; Senate Bill No. 63 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 104) from the Judiciary Committee, recommending that House Bill No. 63 be tabled, as follows:

REPORT ON HOUSE BILL NO. 63.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 63, To amend Section 1 of Act 62 of the Session Laws of 1909, Relating to the Expenditures of Public Money, begs leave to report as follows:

This bill seeks to make it possible for the Board of Health to purchase meats and other supplies for the Leper Settlement in certain instances in the open market, and at regular market prices. Your Committee is in entire accord with the spirit of this bill, but does not recommend its passage. Your Committee has considered this bill in connection with Senate Bill No. 63, which covers the same subject and is broader in its scope, and has recommended that Senate Bill No. 63 be amended by inserting therein the provisions contained in House Bill No. 63. The entire subject is thus covered in one bill and the object sought to be attained is accomplished.

For the reasons above expressed your Committee recommends that House Bill No. 63 be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 15, 1911.

Upon motion by Senator Quinn, seconded by Senator Robinson, the Report of the Committee was adopted, and House Bill No. 63 was tabled.

Senator Judd presented a Report (No. 105) from the Judiciary Committee, recommending the passage of Senate Bill No. 56 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 56.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 56, To Amend Sections 391, 392 and 393 of the Revised Laws of Hawaii, Relating to Fences, begs leave to report as follows:

FINDINGS.

The primary object of the bill seems to be to give the Governor the power to initiate the appointment of Fence Commissioners, the present statute being that the Governor shall make such appointment upon the petition of twenty-five owners of land in any taxation district.

The second paragraph of the bill prescribes how public notice shall be given to all those interested in the building of a certain fence, the present statute being that public notice shall be given, and the added provision is

"in a public newspaper published and circulated in the  
"county where such lands are situated, said notice to be  
"published ten days previous to the meeting hereinafter  
"provided for,"

After careful examination and investigation your Committee

recommends that in line 4 of Section 1 (line 2 of Section 391, as amended), the present words of the statute

"or upon the petition of twenty-five owners of land" be inserted after the word "necessary."

This will allow proceedings to be started either upon the petition of twenty-five owners of land, as the law now is, or when the Governor shall deem it necessary. This amendment will accomplish the object sought by the bill, and still make it possible for the owners of land to compel the Governor to take action.

Your Committee recommends that the phrase in lines 7 and 8 of Section 1 (lines 5 and 6 of Section 391 as amended),

"Such Commissioners shall hold office during good behavior and"

be stricken out. This phrase exists in the present law on the subject, and is unnecessary in view of the provisions of Section 80 of the Organic Act.

Your Committee recommends that the words "they shall" in line 10 of Section 2 of said bill (line 8 of Section 392 as amended) be stricken out, and in lieu thereof there be inserted the word "to."

This amendment is necessary in the proper construction of the paragraph.

Your Committee recommends that Section 3 of the bill be stricken out. This section attempts to make the judgment covering the cost of fencing a lien on the land. In view of Section 1806 of the Revised Laws of Hawaii, which allows judgments obtained before District Magistrates to be made a lien on real property, Section 3 of the Bill is unnecessary.

Your Committee recommends that Section 4 of the bill be numbered Section 3.

Your Committee recommends that Section 2 of this bill be amended by adding thereto the following words at the end thereof.

"It shall also be the duty of the said Commissioners to cause notice of such meeting to be given to all persons interested, by the same officers, and in the same manner, as is provided by Sections 1721, 1722 and 1724 of the Revised Laws of Hawaii, and as provided by Section 1723 of the Revised Laws of Hawaii as amended by Act 34 of the Session Laws of 1909, for service of summons issued under the seal of a Court of record.

All expenses and fees in connection with the proceedings brought hereunder shall be taxed by the Commissioners as costs against the losing party or parties, or against all parties to the proceeding, in such proportion as to the Commissioners shall deem equitable."

With the above amendments, your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 15, 1911.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted; Senate Bill No. 56 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 106) from the Committee on Ways and Means, recommending the passage of House Bill No. 139, as follows:

SENATE CHAMBER.

Honolulu, March 15, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 139, entitled "An Act to Appropriate Money for the Relief of the Hawaiian Development Co., Ltd.," has had the same under due and careful consideration and begs leave to report as follows:

The bill seeks to appropriate money for the purposes of refunding the amount paid by the Hawaiian Development Co., Ltd., for stamp duties to the Registrar of Conveyances upon a duplicate copy of a certain mortgage from the Hawaiian Mahogany Co., Ltd., to the Hawaiian Development Co., Ltd., which mortgage had been duly stamped and recorded. The facts herein given were substantiated by the Registrar of Conveyances, who states in his communication to the Committee "that said refund would be an act of simple justice and should be made."

Your Committee therefore recommends the passage of the bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

JOHN T. BROWN,  
WM. T. ROBINSON,  
CECIL BROWN,  
E. W. QUINN.

Upon motion by Senator Fairchild, seconded by Senator Baker, the Report of the Committee was adopted; House Bill 139 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 107) from the Committee on Ways and Means, recommending that Senate Bill No. 42 be tabled, as follows:

Honolulu, Hawaii, March 9, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Dear Sir:—

Your Committee on Ways and Means to whom has been referred Senate Bill No. 42, begs leave to report that they have had same under careful consideration, and would report, as follows:

The object of the Bill is to raise the present exemption under property taxes from Three Hundred Dollars (\$300) to Five Hundred Dollars (\$500). In view of the large financial demands upon the Legislature concerning matters pertaining to education, health, internal improvements and etc., and in view of the fact that the revenues will not be adequate to meet those demands, your Committee deems it inadvisable at the present time to make any alteration in the present Tax laws resulting in a reduction of the revenue.

We, therefore, recommend that the Bill not pass.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

JOHN T. BROWN,  
E. W. QUINN,  
CECIL BROWN,

I do not concur

WM. T. ROBINSON.

Senator Robinson moved that House Bill No. 42 pass Second Reading notwithstanding the Report of the Committee. Seconded by Senator Baker, and lost.

Upon motion by Senator Fairchild, seconded by Senator Pali, the Report of the Committee was adopted, and Senate Bill No. 42 was tabled.

Senator Fairchild presented a Report (No. 108) from the Committee on Ways and Means, recommending that Senate Bill No. 23 be tabled, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill No. 23, being An Act to Amend Certain Sections of Act 53 of the Session Laws of 1907, beg leave to report as follows:

This Bill was referred to the Judiciary Committee of the Senate, and after consideration by them, was recommended to be tabled for the reason that Senate Bill No. 47 already reported on has rendered it unnecessary that the Bill be enacted; this Committee having recommended the passage of Bill No. 47 with the slight amendment thereto, recommends that this Bill be tabled.

Respectfully submitted,

GEO. H. FAIRCHAILD,  
Chairman.

CECIL BROWN,  
E. W. QUINN,  
WM. T. ROBINSON,  
JOHN T. BROWN.

Upon motion by Senator Fairchild, seconded by Senator Baker, the Report of the Committee was adopted, and Senate Bill No. 23 was tabled.

Senator Makekau gave notice of his intention to introduce the following Bills:

1. "An Act to Amend Section 1721 of the Revised Laws of Hawaii, Relating to Services of Summons Issued Under the Seal of a Court of Record."

2. "An Act Providing for the Seizure and Forfeiture of Moneys or Property Offered for Sale or Distribution in Viola-



tion of Any of the Provisions of Sections 3172-3182 of the Revised Laws of Hawaii, and Repealing Section 3180 Thereof."

Under suspension of the rules, Senator Makekau introduced Senate Bill No. 80, entitled "An Act to Amend Section 1721 of the Revised Laws of Hawaii, Relating to Services of Summons Issued Under the Seal of a Court of Record."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Makekau introduced Senate Bill No. 81, entitled "An Act Providing for the Seizure and Forfeiture of Moneys or Property Offered for Sale or Distribution in Violation of Any of the Provisions of Sections 3172-3182 of the Revised Laws of Hawaii, and Repealing Section 3180 Thereof."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Clerk was directed to furnish the Members of the Senate with typewritten copies of House Joint Resolution No. 5.

At 10:58 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## TWENTY-FIFTH DAY.

Thursday, March 16, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator C. Brown absent.

The Journal of the Twentyfourth Day was read and approved.

Third Reading of Senate Bill No. 56, entitled "An Act to

Amend Sections 391, 392 and 393 of the Revised Laws of Hawaii, Relating to Fences."

Upon motion by Senator Robinson, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator C. Brown.

Third Reading of Senate Bill No. 63, entitled "An Act Relating to Expenditure of Public Money, Amending Section 1 of Act 62 of the Session Laws of 1909, and Adding a New Section Thereto."

Upon motion by Senator Pali, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator C. Brown.

Third Reading of House Bill No. 139, entitled "An Act to Appropriate Money for the Relief of the Hawaiian Development Company, Limited."

Upon motion by Senator Quinn, seconded by Senator Chillingworth, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: Senator Makekau.

Absent and not voting: Senator C. Brown.

Senator J. T. Brown presented a Report (No. 109) from the Printing Committee, stating that Senate Concurrent Resolution No. 6, and Senate Bills Nos. 67, 68, 72, 73, 76, 77, 78, 79, 80 and 81 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 79, entitled "An Act to Amend Section 1335 of the Revised Laws of Hawaii as Amended by Act 90 of the Session Laws of 1907."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 80, entitled "An Act to Amend Section 1721 of the Revised Laws of Hawaii, Relating to Service of Summons Issued Under the Seal of a Court of Record."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 81, entitled "An Act Providing for the Seizure and Forfeiture of Moneys or Property Offered for Sale or Distribution in Violation of Any of the Provisions of Sections 3172-3182 of the Revised Laws of Hawaii and Repealing Section 3180 Thereof."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 67, entitled "An Act to Amend Section 3 of Act 15 of the Session Laws of 1905, Relating to Public Entertainments and Athletic Sports on Sunday."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 68, entitled "An Act Providing for the Purchase of Certain Lands, Water-rights and Waterways in Palolo Valley and in Palolo Hill Tract in the City and County of Honolulu, Territory of Hawaii."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 72, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the Thirtieth Day of June, A. D. 1909."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 73, entitled "An Act to Amend Section 115 of the Revised Laws, Relating to Holidays."

Referred to the Committee on Military.

Second Reading of Senate Bill No. 76, entitled "An Act to Amend Section 2356 of the Revised Laws, Relating to Fees of the Registrar of Conveyances."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 77, entitled "An Act to Provide for the Compulsory Filing of Plans of Sub-divisions of Tracts of Land from Which Lots Are to be Sold, by Lot Number and Block Number."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 78, entitled "An Act to Amend Section 2359 of the Revised Laws, as Amended by Act 7 of the Session Laws of 1905, Relating to the Duties of the Registrar of Conveyances."

Referred to the Judiciary Committee.

Second Reading of Senate Concurrent Resolution No. 6, re construction of Kau ditch, etc.

Referred to the Judiciary Committee.

A Communication (No. 86) from the House of Representatives, transmitting House Bill No. 132, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 132, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 132, entitled "An Act to Amend Section 2977, Chapter 196, of the Revised Laws of Hawaii, Relating to Receiving Stolen Goods."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 87) from the House of Representatives, transmitting House Bill No. 131, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 131,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 131, entitled "An Act to Amend Section 2794, Chapter 181 of the Revised Laws of Hawaii, Relating to Bonds."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 88) from the House of Representatives, transmitting House Bill No. 130, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 130, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 130, entitled "An Act to Amend Section 2916, Chapter 188, of the Revised Laws of Hawaii, Relating to Assault and Battery."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 89) from the House of Representatives, transmitting House Bill No. 44, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 44,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 44, entitled "An Act to  
Amend Section 2450 of the Revised Laws of Hawaii, Relating  
to Land Registration."

The Bill passed First Reading by Title and was referred to  
the Judiciary Committee.

Senator Pali moved to reconsider the action taken yesterday  
on Senate Bill No. 42. Seconded by Senator Makekau, and  
carried.

Upon motion by Senator Makekau, seconded by Senator Pali,  
Senate Bill No. 42 passed Second Reading, and was placed on  
the Order of the Day for tomorrow for Third Reading.

At 10:45 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## TWENTY-SIXTH DAY.

Friday, March 17, 1911.

The Senate met at 10 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Twenty-fifth Day was read and approved.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 1221 of the Revised Laws of Hawaii, as Amended by Act 141 of the Session Laws of 1909, Relating to Property Exempt from Taxation."

Under suspension of the Rules, Senator Chillingworth introduced Senate Bill No. 82, entitled "An Act to Amend Section 1221 of the Revised Laws of Hawaii, as Amended by Act 141 of the Session Laws of 1909, Relating to Property Exempt from Taxation."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Quinn gave notice of his intention to introduce a Bill entitled "An Act to Regulate the Practice of Veterinary Medicine, Surgery and Dentistry in the Territory of Hawaii."

Under suspension of the rules, Senator Quinn introduced Senate Bill No. 83, entitled "An Act to Regulate the Practice of Veterinary Medicine, Surgery and Dentistry in the Territory of Hawaii."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 42, entitled "An Act to Amend Section 1225 of the Revised Laws of the Territory of Hawaii, Relating to Exemption on Personal and Property Taxes."

Senator Baker moved that the Bill pass Third Reading. Seconded by Senator Makekau.

Senator C. Brown moved that the Bill be referred to the Committee on Ways and Means. Seconded by Senator Judd.

Senator Kaleiupu moved the previous question. Seconded by Senator Robinson and carried.

The motion to refer to the Committee on Ways and Means was put and lost.

The Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Hewitt, Kalama, Kaleiupu, Makekau, and Robinson. Total, 8.

Noes: Senators C. Brown, Fairchild, Judd, Pali, Quinn, and President Knudsen. Total, 6.

A Communication (No. 90) from the House of Representatives, returning Senate Bill No. 26, was read by the Clerk, as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 16, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 26, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 91) from the House of Representatives, returning Senate Bill No. 37 with certain amendments, was read by the Clerk, as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 16, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 37, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Add a new section after section 1 of said Bill to be known as section 2, and to read as follows:

“Section 2. Said Chapter is hereby further amended by



adding thereto a section to be known as Section 1034B, as follows:

'Section 1034B. Whenever property shall be improved under this Act and the Superintendent of Public Works shall sell the property so improved to satisfy the lien established in consequence of such improvement, the owner shall be paid out of the proceeds of such sale an amount not less than the assessed value of the property before its improvement.' "

Renumber "Section 2" of said bill as "Section 3."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator C. Brown, seconded by Senator Makekau, the House amendments to Senate Bill No. 37 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

A Communication (No. 92) from the House of Representatives, transmitting House Bill No. 116, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 16, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 116, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
First Reading of House Bill No. 116, entitled "An Act to

Amend Section 1831, Chapter 120, of the Revised Laws of Hawaii, Relating to the Exemption of Personal Property from Attachment, Execution, Distress, and Forced Sale."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 93) from the House of Representatives, transmitting House Bill No. 108, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 16, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 108, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 108, entitled "An Act to Provide Assistance for Discharged Prisoners, Amending Chapter 110 of the Revised Laws of Hawaii by Adding Thereto a New Section to be Known as Section 1614A."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 94) from the House of Representatives, transmitting House Bill No. 157, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 16, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 157,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 157, entitled "An Act to Amend Section 7 of Act 125 of the Session Laws of 1907, Defining and Relating to Estrays."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator Judd presented a Report (No. 110) from the Judiciary Committee, recommending that Senate Bill No. 10 be tabled, as follows:

REPORT ON SENATE BILL NO. 10.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 10, To Amend Sections 2965, 2966, 2967, 2968 and 2969, of the Revised Laws of Hawaii, Relating to the Crime of Embezzlement, begs leave to report as follows:

The objects sought to be obtained by this bill are well covered in House Bill No. 89, which has been favorably reported by this Committee.

In view of the above your Committee recommend that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 17, 1911.

Upon motion by Senator C. Brown, seconded by Senator Makekau, the Report of the Committee was adopted, and Senate Bill No. 10 was tabled.

Senator Judd presented a Report (No. 111) from the Judiciary Committee, recommending that Senate Bill No. 69 be indefinitely postponed, as follows:

REPORT ON SENATE BILL NO. 69.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 69, To Amend Section 16 of Act 39 of the Session Laws of 1905, as Amended by Section 1 of Act 84 of the Session Laws of 1905, Relating to the Creation of Counties Within the Territory of Hawaii and Providing for the Government Thereof, begs leave to report as follows:

This bill is an attempt to bring before the Senate the same idea heretofore adversely reported on by this Committee, as Senate Bill No. 16, and Senate Bill No. 57. This bill seeks to prohibit any county attorney from transacting any private business between the hours of 9 o'clock A. M. and 4 o'clock P. M. For the reasons stated in the reports of this Committee on the above bills your Committee now presents an adverse report on Senate Bill No. 69, and recommends that the measure be indefinitely postponed.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

March 17, 1911.

Committee.

Upon motion by Senator Robinson, seconded by Senator Makekau, the Report of the Committee, together with the Bill, were laid on the table to be taken up for consideration on Wednesday, March 22nd, 1911.

Senator Judd presented a Report (No. 112) from the Judiciary Committee, recommending the passage of Senate Bill No. 71 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 71.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill

No. 71, To Amend Section 419 of the Revised Laws of Hawaii, Relating to Brands, begs leave to report as follows:

The object of this bill is to turn the registration of brands and marks on cattle over to the sheriff of the County or City and County as the case may be, taking the matter away from the Superintendent of Public Works. This is essentially a county matter, and should not be left in the hands of a Territorial official in the central office in Honolulu. Your Committee after careful consideration believes the proposed change in our laws to be a desirable one.

Your Committee recommends that all of Section 1 be stricken out after the words "Section 419," and that there be inserted in lieu thereof the following:

"Every owner of live stock shall, in order to its validity, have his brand or mark recorded in a book kept for that purpose by the sheriff of the City and County or County within which his animals are. Upon the payment of the sum of one dollar the said sheriff shall issue to such owner a certificate showing that such brand or mark has been duly recorded. All moneys so received shall be paid into the Treasury of the City and County or County as the case may be. No brand or mark shall be recorded which may be similar or approximate in design to any brand or mark which shall have been previously recorded, and no record shall be made of any mark which shall involve the cutting off of one or both ears of an animal."

Your Committee recommends that Section 2 of this bill be amended by striking out all of said section after the words "Section 2," and inserting in lieu thereof the following:

"All records of brands or marks now in the possession of the Superintendent of Public Works shall be forthwith transmitted to the Sheriff of the City and County of Honolulu."

Section 2 of this bill is changed as above indicated for the reason that the only records of brands and marks in the possession of the Superintendent of Public Works are those relating entirely to the Island of Oahu.

With these amendments it is believed the bill is in proper form, and your Committee recommends the passage of the bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

Committee.

March 17, 1911.

Upon motion by Senator Makekau, seconded by Senator Chillingworth, the Report of the Committee was adopted; Senate Bill No. 71 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 113) from the Judiciary Committee, recommending the passage of Senate Bill No. 78, as follows:

#### REPORT ON SENATE BILL NO. 78.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 78, To Amend Section 2359 of the Revised Laws of Hawaii, as Amended by Act 7 of the Session Laws of 1905, Relating to the duties of the Registrar of Conveyances, begs leave to report as follows:

The present statute, Act 7 of the Session Laws of 1905, provides that it shall not be lawful for the Registrar of Conveyances to accept, enter for record and record any instrument, on Sunday, on a legal holiday, on Saturday, except between the hours of 9 A. M. and 12 noon, and on any other day, except between the hours of 9 A. M. and 4 P. M.

By Joint Resolution No. 3, Relating to Office Hours of Territorial Offices and Officers and Employees, approved April 3, 1909, it is provided that the various Territorial Government offices, including that of the Registrar of Conveyances shall be kept open for public business on business days from 8:30 in the morning to 4:30 in the afternoon, except Saturdays, on which day noon was fixed as the closing hour.

The office of the Registrar of Conveyances has observed the requirements of Joint Resolution No. 3, but owing to the terms of Act 7 of the Session Laws of 1905, a period of thirty minutes each, in the morning and in the afternoon, occurs each day during which, while the office is open, it is not lawful for the Registrar to accept for record any documents.

This bill seeks to remedy this condition of affairs by extending the time within which instruments may be accepted, entered for record and recorded, to correspond with the office hours as prescribed in Joint Resolution No. 3 of April 3, 1909.

For the reasons above given your Committee believes this

a wise measure, and therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 17, 1911.

Upon motion by Senator C. Brown, seconded by Senator Robinson, the Report of the Committee was adopted; Senate Bill No. 78 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 114) from the Judiciary Committee, recommending the passage of Senate Bill No. 80 with one amendment, as follows:

REPORT OF SENATE BILL NO 80.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 80, To Amend Section 1721 of the Revised Laws of Hawaii, Relating to Service of Summons issued Under the Seal of Court of Record, begs leave to report as follows:

The object sought to be attained by this bill is to have police officers, as well as sheriffs and deputy sheriffs, serve summons issued under the seal of a court of record.

This amendment will facilitate the business of the Courts, and remove a possible cause of delay.

Your Committee recommends that this bill be amended by inserting the word "at" after the word "or" and before the word "abode" in line 4 of Section 1.

With this amendment the bill is in proper form, and your Committee recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 17, 1911.

Upon motion by Senator C. Brown, seconded by Senator Ma-  
kekau, the Report of the Committee was adopted; Senate Bill  
No. 80 passed Second Reading as amended, and was placed on  
the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 115) from the Judi-  
ciary Committee, recommending the passage of House Bill No.  
32 with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 32.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill  
No. 32, To Provide for the Registration of Voters, begs leave to  
report as follows:

After a careful consideration of this bill, and a discussion  
of its provisions your Committee recommends the following  
amendments:

Section 2, line 13, after the word "inspection" insert the fol-  
lowing words

"and shall be a public record."

In line 10 of Section 6 of this bill strike out the word  
"country" and in lieu thereof insert the word "county."

In line 10 of Section 6 of this bill, insert after the word  
"county" the following phrase:

"or whose death or permanent removal is suggested to him  
"in writing by any elector."

In the next to the last line of Section 7, strike out the words  
"Boards of Inspectors," and in lieu thereof insert the following  
words

"Inspectors of Election."

That all of Section 9 be stricken out, after the words "Section  
9," and that there be inserted in lieu thereof the following:

"Sections 38, 39, 43, 44, 45, 46, 47, 48, 54, 55, 56, 57 and 58 of  
"the Revised Laws of Hawaii, and Act 78 of the Session  
Laws of 1907, and all laws and parts of laws in conflict here-  
"with are hereby repealed."

"Section 42 of the Revised Laws of Hawaii is amended by  
"striking out the word "Provided" in line 6 thereof and all  
"the words following."

With the foregoing amendments it is believed by your Com-  
mittee that the bill is in proper form.

The amendment in Section 2 line 13 is made for the purpose  
of making the register a public record, so that any wrongful  
taking, detention, alteration, erasure or mutilation of the re-



gister may be punished as provided by Act 30 of the Session Laws of 1905.

Your Committee is of the opinion that this bill is a wise measure, since it simplifies the registration of voters, it makes it possible for a voter to register at any time except for a short time before an election, it establishes a permanent register. It is also desirable because a voter once registered is always registered and does not have to register before every election. It has happened in many instances in the past that men whose business takes them from place to place in the Territory have been away on business during the registration periods, and have therefore been deprived of their votes.

For the above reasons your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 17, 1911.

The Report of the Committee was received and placed on file, and upon motion by Senator Makekau, seconded by Senator Pali, consideration of the Bill on Second Reading was deferred until Monday, March 20th, 1911.

Upon motion by Senator Makekau, seconded by Senator Chillingworth, the Clerk was directed to furnish the Senate with typewritten copies of the Bill as amended.

Senator Judd presented a Report (No. 116) from the Judiciary Committee, recommending that House Bill No. 70 be tabled, as follows:

#### REPORT ON HOUSE BILL NO. 70.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee to whom was referred House Bill No. 70, To Regulate the Rate of Interest due or to become due by persons acquiring or who have acquired homesteads, begs leave to report as follows:

This bill seeks to make 5 per cent. the rate of interest to be

paid by homesteaders on all deferred payments. There are now under the land laws four ways in which the homesteader can get land:

1. Right of purchase lease, section 319 R. L., by which the homesteader pays rental 8 per cent. of the appraised value of the land, which value is generally  $\frac{1}{3}$  or  $\frac{1}{4}$  of the real value of the land, no interest is charged on delinquent payments.

2. Cash freehold, section 326 R. L., under which the homesteader pays  $\frac{1}{4}$  of the purchase price at the time of the purchase, and the balance in three payments, one, two and three years thereafter, with interest at six per cent. No interest is charged on delinquent interest.

3. Homestead lease, Sections 288, 294, R. L., under which the homesteader pays no interest whatsoever, but a fee of \$2 when he receives his certificate of occupation, which certificate of occupation, after a probationary period of six years is exchanged for a 999 years lease upon the payment of a fee of \$5.00.

4. Special homestead agreements, section 276 R. L. Under this section discretion is given to the Governor and the Commissioner of Public Lands to prescribe the terms of the agreement. The present rules now in force are that the homesteader shall pay 5 per cent. of the purchase price down, 5 per cent. the second year, and 10 per cent. each year thereafter, and no interest whatsoever is charged on deferred or delinquent payments.

It is well known that the Legislature of Hawaii cannot control the price nor the rate of interest in any of these four cases, and that these matters lie, under the Organic Act, with Congress. The only thing that the Legislature could do would be by concurrent resolution directed to the Governor and the Commissioner of Public Lands, requesting them not to charge more than 5 per cent. on the special homestead agreement referred to above, but this would appear to be absolutely unnecessary in view of the fact that the discretion given these officials by Congress has been exercised by them, and they have decided to charge no interest to the homesteader.

The Judiciary Committee is entirely in accord with the spirit of the bill, but in view of its analysis of the land laws above set forth believes that it would be a mistake to pass the bill. As above suggested the bill, if enacted into law, would accomplish nothing. Further than this the bill would undoubtedly mislead homesteaders into the belief that the Legislature of Hawaii had given them relief when the contrary would be the case.

In view of these two reasons, your Committee recommends that the bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 17, 1911.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted, and House Bill No. 70 was tabled.

Senator Judd presented a Report (No. 117) from the Judiciary Committee, recommending the passage of House Bill No. 74 with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO 74.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 74, To Amend Sections 1680, 1681, 1684 and 1886, and Repeal Sections 1682, 1685, 1686 and 1687 of the Revised Laws of Hawaii, Relating to Supreme and Circuit Court Clerks, begs leave to report as follows:

This bill is in line with the policy of separating the clerks of the Supreme Court from the clerks of the Circuit Courts, is in accord with the ideas of the administration, and is considered by this Committee as a desirable measure.

Your Committee recommends that section 1 of this bill be amended by striking out all of Section 1 after the words "Section 1680," and inserting in lieu thereof the following:

"There shall be a clerk of the Supreme Court and as many  
"deputy clerks and assistant clerks as the business of the  
"Supreme Court shall require, appointed and removable by  
"the Justice of the Supreme Court. The Clerk of the Su-  
"preme Court shall be ex-officio clerk of all the courts of  
"record of the Territory, and as such may issue process re-  
turnable in all such courts.

"There shall be as many clerks of the Circuit Courts as

"may be necessary, appointed and removable by the Judge  
"or Judges thereof, as the case may be."

This amendment is made at the suggestion of and is in accord with the views of the Chief Justice.

With this amendment it is believed that the bill is in proper form, and for the reasons above stated your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 16, 1911.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted; House Bill No. 74 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 118) from the Judiciary Committee, recommending the passage of House Bill No. 89 with certain amendments, as follows:

REPORT ON HOUSE BILL NO. 89.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 89, To Amend Section 2966 of the Revised Laws of Hawaii Relating to Embezzlement, begs leave to report as follows:

It is sought by this bill to remedy existing defects in our present statute relating to the crime of embezzlement.

Your Committee recommends that Section 1 of this bill be amended by striking out all of said section after the words "Section 2966," in line 4 of said section, and that there be inserted in lieu thereof, the following:

"EMBEZZLEMENT OF PUBLIC PROPERTY. PUNISHMENT. If any officer or other person who, by any law, regulation, appointment, or employment now is or hereafter shall be charged or entrusted, directly or indirectly, with the safekeeping, transfer or disbursement or, otherwise, has the possession, control or custody of any money, note, or other effects or property belonging to the Territory of Hawaii or to any

political or municipal corporation or subdivision thereof, shall convert the same to his own use or benefit or to the use and benefit of another than the owner or person entitled thereto; or shall loan with or without interest or shall deposit in his own name, or otherwise than in the name of the Territory of Hawaii or in the name of any political or municipal corporation or subdivision thereof, in banks or with any person or persons, or change for other funds or property any such money or property, except in the manner by law prescribed, he shall be deemed guilty of embezzlement and any such officer or person, upon conviction thereof, shall be punished at hard labor for a period of not to exceed ten years or by fine not to exceed five times the value of the thing or property embezzled; and any failure by such officer or person to pay over or produce or legally account for the whole or any part of such money or other property as required by law, regulation, appointment, employment or direction, on demand, shall be taken and held to be prima facie evidence of such embezzlement."

The suggested amendments by this Committee to this bill are verbal ones calculated to broaden the scope of the statute and have been given to this Committee by the officers in charge of recent prosecutions for embezzlement in this circuit, and are recommended by them as the result of such trials. It is trite to say that the statute itself has for its object the protection of the public.

Your Committee, for the foregoing reasons, recommend the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 17, 1911.

Upon motion by Senator Fairchild, seconded by Senator Kaleiopu, the Report of the Committee was adopted; House Bill No. 89 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 119) from the Judiciary Committee, recommending the passage of House Bill No. 130, as follows:

## REPORT ON HOUSE BILL NO. 130.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 130, To Amend Section 2916, Chapter 188, of the Revised Laws of Hawaii, Relating to Assault and Battery, begs leave to report as follows:

As has been stated on the floor of the Senate the main change in the present law concerning assault and battery which this bill seeks to accomplish is to increase the maximum term of imprisonment from six months to one year. There are cases where the corporal injury as the result of the battery is slight, but which for other reasons should be punished by imprisonment for a longer term than six months. The other change in the present law sought to be effected is to strike out the words "at hard labor" which is, today, at best of doubtful validity.

Your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 17, 1911.

Upon motion by Senator Kalama, seconded by Senator Kalei-opu, the Report of the Committee was adopted; House Bill No. 130 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 120) from the Judiciary Committee, recommending the passage of House Bill No. 131, as follows:

## REPORT ON HOUSE BILL NO. 131.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 131, To Amend Section 2794, Chapter 181, of the Re-

vised Laws of Hawaii, Relating to Bonds, begs leave to report as follows:

This Bill proposes an amendment to Chapter 181 of the Revised Laws of Hawaii, relating to the giving of a bond to keep the peace. At the present time Section 2794 R. L. prescribes that the prisoner shall be committed to prison if a bond is not executed according to the order of the magistrate and shall continue to remain in custody until a bond be executed. The object of the bill is to make it impossible to keep such a defendant in custody longer than the term for which he was bound over to keep the peace.

Your Committee considers this a wise and proper provision, and therefore recommends the passage of the bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 17, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 131 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 121) from the Judiciary Committee, recommending the passage of House Bill No. 132, as follows:

#### REPORT ON HOUSE BILL NO. 132.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 132, To Amend Section 2977, Chapter 196, of the Revised Laws of Hawaii, Relating to Receiving Stolen Goods, begs leave to report as follows:

The object sought to be attained by this bill is to broaden the scope of the statute defining the receiving of stolen goods, Section 2977 R. L. At the present time the law only covers cases where the goods have been stolen, embezzled or illegally extorted, and does not cover the case where goods have been obtained by fraud or by false pretenses.

Your Committee is of the opinion that the objects sought to be attained by the bill are wise measures as recent cases have shown that the present statute is too narrow.

For the reasons above stated your Committee recommends the passage of the bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 17, 1911.

Upon motion by Senator Kaleiopu, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 132 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

A Report (No. 122) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 29, was read by the Clerk as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 29, An Act for the Relief of John A. Cummins, beg leave to report as follows:

This matter either by bill or petition has been before the Legislature every session since the year 1900. The facts are John A. Cummins was arrested in 1895, and charged with treason, to which charge he plead guilty and was sentenced to imprisonment for five years at hard labor, and to pay a fine of \$5000. The imprisonment was afterward commuted and the fine paid by him. At the time of the charge, arrest and trial, party feeling was high as well as vindictive. Time has cooled them and now that the country is prosperous and the objects for which the revolution, (if it should be so called), have been attained, and all bitter feelings gone, we think that by-gones should be by-gones, and any matter or thing that may have been done in the hurry and haste of those troublous times



should be forgotten and laid aside, and any act that will help to attain that end should be done.

We therefore recommend that the bill pass.

Respectfully submitted,

CECIL BROWN,  
JOHN T. BROWN,  
WM. T. ROBINSON,  
E. W. QUINN.

March 17th, 1911.

Upon motion by Senator Kaleiopu, seconded by Senator Baker, the Report of the Committee was adopted; Senate Bill No. 29 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 123) from the Committee on Ways and Means, recommending that Senate Bill No. 41 be tabled, as follows:

#### SENATE CHAMBER.

Honolulu, March 16, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill No. 41 introduced by the Honorable W. T. Robinson, has had the same under due and careful consideration and begs leave to report as follows:

The Bill seeks to change the present rates of interest upon delinquent taxes to one per cent per month, and eliminate the 10% penalty now chargeable in addition to the interest.

Apparently the object of the bill is in the interests of the small tax-payer; in the actual operation, however, it will accrue to the benefit of large taxpayers, as under the proposed law there would be no compelling incentive for corporations and large tax-payers to pay their taxes when due, as now exists with the 10% penalty in force.

Other objectionable features in the bill have been suggested, to which the Committee will not allude, as the grounds above

stated are sufficient in the opinion of the majority of your Committee to warrant the tabling of the bill.

Your Committee therefore recommends the Bill be tabled.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

E. W. QUINN,  
CECIL BROWN,

We do not concur

JOHN T. BROWN,  
WM. T. ROBINSON.

Upon motion by Senator Robinson, seconded by Senator Pali, the Report of the Committee was laid on the table, and consideration of Senate Bill No. 41 on Second Reading, was deferred until Wednesday, March 22, 1911.

Senator C. Brown presented a Report (No. 8) from the Special Committee on Senate Petition No. 1, recommending that the Petition be laid on the table, to be taken up for consideration with the Appropriation Bill, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Special Committee of Oahu Senators to whom was referred Petition No. 1 presented by Senator Kaleiopu, beg leave to report as follows:

This petition has already been in the hands of the Committee on Public Lands and Internal Improvements, and its report was presented to the Senate on March 3rd and recommended the appropriation of the sum of \$2,500, the amount asked for. The Petition was laid on the table to be considered with the appropriation bill. For some reason or other, the petition was taken from the table, and re-referred to this Committee.

This Committee have had the facts set forth in the Petition under consideration, and find that the sum asked for is for the payment of certain land situate on Beretania Street, in this City, comprising some 668 square feet of land taken by the Government and used in the widening of Beretania Street just after the great fire of 1900. Upon inquiry we find that lands fronting on Beretania Street were paid for at the time it was taken for road purposes by the Government, at a rate ranging from say, 25 to 50 cents per square foot; may be in some cases

higher than 50 cents, but not above 75 cents a square foot so far as we are advised.

The remaining land from which this 668 square feet was taken, contains now some 1980 square feet, and is taxed or assessed at \$2,400. The American Board of Foreign Missions conveyed to the Territory of Hawaii by deed on June 28, 1905, 1958 square feet of land on Beretania Street for Road purposes for which they received the sum of \$1000, a little under the valuation at a rate of 50 cents a square foot. Taking all matters into consideration, and the length of time elapsed since the taking over and use of the land in question, we recommend that the sum of \$334, being at the rate of Fifty Cents per square foot for the land in question be paid, and that sum be inserted in the Appropriation Bill as follows:

"Relief of Hawaiian Board and Kaneahoa, claiming through Kalau Maka and R. Maka, for land taken in widening of Beretania Street in 1900, \$334.00."

And we further recommend that the Petition and the Report be laid on the table to be taken up when the Appropriation Bill is before this body.

Respectfully submitted,

CECIL BROWN,  
A. S. KALEIOPU,  
E. W. QUINN,  
CHAS. F. CHILLINGWORTH,  
ALBERT F. JUDD.

March 16th, 1911.

Upon motion by Senator Fairchild, seconded by Senator Hewitt, the Report of the Committee was adopted.

Senator J. T. Brown presented a Report (No. 124) from the Select Committee on House Bill No. 9, recommending the passage of the Bill with certain amendments, as follows:

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Select Committee to which House Bill No. 9 was referred respectfully report as follows:

The object of the Bill being to increase the salary of the Deputy Sheriff of the District of Puna, County of Hawaii, from \$720 a year to \$960 a year.

We found out that the proposed increase of the salary as

stated in the Bill is warranted, on the ground that the legal business in said District so far as the criminal cases are concerned is increasing.

And we further believe that the salary of the Deputy Sheriff of the District of South Hilo should also be increased on the same ground.

We therefore recommend that the Bill may be passed with the following amendments: Insert after the word "amended" in line 2 of Section 1 the following so that the following lines "Deputy Sheriff of the District of South Hilo \$1620.00 a year." "Deputy Sheriff of the District of Puna \$720.00 a year" may read as follows:

"Deputy Sheriff of the District of South Hilo \$1800.00 a year."

"Deputy Sheriff of the District of Puna \$960.00 a year."

We also attach to this report a copy of the Bill as amended.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

R. H. MAKEKAU.

GEO. C. HEWITT,

DAVID K. BAKER,

Committee.

## AN ACT

TO AMEND SECTION 28 OF CHAPTER 9 OF ACT 39 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT CREATING COUNTIES WITHIN THE TERRITORY OF HAWAII.

Be It Enacted by the Legislature of the Territory of Hawaii.

Section 1. Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905 is hereby amended so that the following lines "Deputy Sheriff of the District of South Hilo \$1620 a year." "Deputy Sheriff District of Puna \$720 a year" may read as follows:

"Deputy Sheriff District of South Hilo \$1800 a year."

"Deputy Sheriff District of Puna \$960 a year."

Section 2. This Act shall take effect from and after the date of its approval.

Upon motion by Senator Hewitt, seconded by Senator Makekau, the Report of the Committee was adopted; House Bill No. 9 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 125) from the Select Committee on Senate Bill No. 55, recommending the passage of the Bill with certain amendments as follows:

**THE SENATE OF THE TERRITORY OF HAWAII.**

Honolulu, March 17, 1911.

The Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Select Committee on Immigration, to which was referred Senate Bill No. 55, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session laws of 1905 Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909 Relative to a Tax on Incomes for Immigration Purposes," introduced by Senator Judd, begs leave to report as follows:

This Bill was drafted by the Board of Immigration and incorporates the result of the experience of the Board for the last few years under the present statute, and is referred to in the printed report of the Board of Immigration to the Legislature.

After full investigation and careful consideration, your Select Committee recommends the passage of the Bill, with the following amendments:

In Section 7, in line 3 of the last paragraph thereof, insert the words "OR OTHERWISE" after the word "AUSPICES." The object of this amendment is to make it mandatory on the Board to investigate charges of fraud or extortion, whenever made by immigrants, and not to confine its duties in this regard to immigrants introduced under the auspices of the Board.

In Section 10, in the fifth and sixth lines from the end thereof, your Committee recommends that the phrase "INCLUDING THE EXPENSE OF RETURNING IMMIGRANTS TO THEIR OWN COUNTRY" be stricken out.

Your Committee further recommends that at the end of Section 8 of the Bill there be inserted the words "BUT THE BOARD SHALL NOT USE ANY OF ITS FUNDS IN THE PURCHASE OF ANY SUCH PRIVATE LANDS OR IN THE DEVELOPMENT OF EITHER PRIVATE OR PUBLIC LANDS, AND IN THE SETTLING OF FARMERS ON LAND IT SHALL MAKE PRIVATE LANDS SECONDARY TO PUBLIC LANDS,

TO THE END THAT THE INDUCING OF FARMERS TO TAKE UP UNDEVELOPED PUBLIC LANDS BE MADE THE FIRST CARE OF THE BOARD IN THE PERMANENT SETTLING OF FARMERS IN THE TERRITORY."

The object of this last amendment is to ensure that no part of the funds of the Board shall be used to assist any settler to develop his homesteads. The funds of the Board are collected for the purpose of bringing settlers to Hawali and placing them on the land, and not for the purpose of building houses for the farmers or assisting them in the development of their homesteads. As these funds are Government moneys the Committee believes further that they should be expended first in the placing of settlers on the undeveloped public lands of the Territory. By this means the Territory will be reimbursed by the value which the settlers will create on the lands they occupy. Should, however, there be a lack of suitable public lands, or should the immigrants themselves decide, after arrival, that they prefer to settle on private lands, it is not the intention of the Committee in making the above amendment to debar private landholders from making offers to immigrants which may be on terms agreeable to them.

Your Committee desires to point out that experience has shown the necessity for a department of the Government whose peculiar duty it shall be to bring into the Territory, for permanent settlement on the land, agricultural settlers; that the demand today for such settlers, as shown by the records of the Board of Immigration, aggregates One Thousand and Forty-one farming families. The provisions of the bill safeguard, as well as ingenuity can devise, the introduction only of those trained in agricultural pursuits.

In order to make the work of the Board of Immigration, Labor and Statistics effective it becomes necessary to continue what is commonly known as the "Conservation Tax." For this purpose, as a Committee measure, your committee desires to introduce an Act to amend Section 6 of Act 33 of the Session Laws of 1909 relating to the conservation and development of the natural resources through immigration and other means; and a copy of such bill is appended to this report.

Act 33 of the Session Laws of 1909 expires by its own limitation on December 31st 1911. The object sought to be obtained by this Committee Bill is to continue the tax measure, placing it on the same footing as the other taxation statutes of the Territory. It is unnecessary to point out that succeeding Legislature have it in their power to amend or repeal

the statute concerning the conservation tax. Your Committee cannot too strongly urge the continuation of this tax.

Respectfully submitted,

COMMITTEE ON IMMIGRATION.

ALBERT F. JUDD,  
Chairman.

R. H. MAKEKAU,  
GEO. H. FAIRCHILD,  
PHILIP PALI,  
A. S. KALEIOPU.

A N A C T

TO AMEND SECTION 6 OF ACT 33 OF THE SESSION LAWS  
OF 1909 RELATING TO THE CONSERVATION AND  
DEVELOPMENT OF NATURAL RESOURCES THROUGH  
IMMIGRATION AND OTHER MEANS.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Section 6 of Act 33 of the Session Laws of 1909 is hereby amended by striking therefrom the part thereof after the word "hereunder."

Section 2. This Act shall take effect upon its approval.

Upon motion by Senator Chillingworth, seconded by Senator Baker, consideration of Senate Bill No. 55 upon Second Reading was deferred until Tuesday, March 21, 1911, and the Clerk was directed to furnish the Senate with copies of the Select Committee's Report.

A Communication (No. 34) from the Chief Clerk of the Office of the Secretary of the Territory, notifying the Senate that the Governor had signed House Bills Nos. 46, 42, 78, 99 and 121, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 17, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your

Honorable Body that the Governor has this day signed the following bills:

House Bill No. 46, as Act 20, entitled "An Act to Amend Section 2381 of the Revised Laws of Hawaii Relating to the Recording of Certain Instruments, and Adding a New Section Thereto to be Known as Section 2381A;"

House Bill No. 42, as Act 21, entitled "An Act to Provide for Financial Reports of the City and County of Honolulu and the Several Counties;"

House Bill No. 78, as Act 22, entitled "An Act to Establish a Commission to Promote Uniformity of Legislation in the United States;"

House Bill No. 99, as Act 23, entitled "An Act to Amend Section 2214 of the Revised Laws of Hawaii, Relating to records and Certificates of Marriage;"

House Bill No. 121, as Act 24, entitled "An Act to Amend Sections 1781 and 1782 of the Revised Laws as Amended, Relating to the Summoning of Jurors."

Very Respectfully yours,

H. P. O'SULLIVAN,  
Clerk.

The Communication was received and placed on file.  
At 10:50 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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TWENTY-SEVENTH DAY.

Saturday, March 18, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.



The Journal of the Twenty-sixth Day was read and approved.

A Communication (No. 18) from Mr. John K. Kai, Clerk of the County of Hawaii, enclosing a certified copy of the Auditor's Report for the biennial period ending December 31st, 1910, was read by the Clerk as follows:

**OFFICE OF COUNTY CLERK,  
County of Hawaii.**

Hilo, Hawaii, March 16, 1911.

Sir:—

In conformity with Act 24 of the Session Laws of 1909, to provide for Biennial Report to the Legislature of the Territory of Hawaii, I have the honor to submit herewith a certified copy of the Biennial Report of the Auditor of the County of Hawaii showing in compendious form all financial transactions of the County of Hawaii.

I am,

Your obedient servant,

JNO. K. KAI,  
Clerk of the County of Hawaii.

To the  
Honorable Eric A. Knudsen,  
President of the Senate,  
Honolulu, Oahu.

The Communication was received and placed on file.

Upon motion by Senator Kaleiopu, seconded by Senator Baker, the Auditor's Report of the County of Hawaii was referred to the Printing Committee.

A Communication (No. 19) from C. B. Makanui, Acting Secretary of the Hilo Labor Union, enclosing certified copies of Resolutions relating to Belt Roads, was read by the Clerk as follows:

Hilo, Hawaii, March 16, 1911.

To the Hon. President of the Senate,  
Senate Chamber, Territory of Hawaii.

Sir:—

I was instructed by the Labor Union to transmit you here-

with certified copies of resolutions which were adopted at its meeting, held March 11th, 1911, the contents of which will explain same.

Trusting the Legislature of the Territory of Hawaii will look into the needs of the County of Hawaii.

Yours respectfully,

C. B. MAKANUI,  
Acting Secretary.

#### RESOLUTION.

Resolved by the American Citizen Labor Union that they do hereby express themselves in favor of those two House Bills No. 61 and 62 recently introduced in the House of Representatives of the Legislature of the Territory of Hawaii, by Hon. G. F. Affonso, providing for the expenditure of \$600,000 upon the Belt Road of the County of Hawaii, and to protect the expenditure thereof, which, if those two bills are enacted into laws, would mean the expenditure of a large sum of money in constructing and building of said road whereby citizen labor will be employed.

Further the Labor Union requests the Senate and the House of Representatives of the Territory of Hawaii now in session to enact the said bills into laws and that a certified copy of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives.

CHAS. B. MAKANUI.

Dated, Hilo, Hawaii, March 10th, 1911.

I hereby certify that the foregoing Resolution is a true copy of the original resolution adopted by the Labor Union, which is now on file.

C. B. MAKANUI,  
Acting Secretary.

(SEAL)

#### RESOLUTION.

In view of the fact that while Governor Frear and Marston Campbell, Superintendent of Public Works, were in Hilo last December, they have made public statements in favor of having a territorial building for Hilo, and

In view of the fact the Administration would ask the coming legislature to set aside an appropriation with which to build said building, and

In view of the fact the Governor and the Superintendent of Public Works made such statements in good faith on the part of the administration with the people of Hilo, therefore

Resolved by the American Citizen Labor Union that they do hereby express themselves in favor of having a territorial building for Hilo as recommended by Governor Frear and Maston Campbell the Superintendent of Public Works. The Labor Union respectfully requests the Governor and Marston Campbell to urge upon the Legislature of the Territory of Hawaii now in session to set aside such appropriation for the aforesaid building.

Further resolved that a copy of this Resolution be sent to the Governor and the Superintendent of Public Works, and to the President of the Senate and the Speaker of the House of Representatives.

J. K. PAAHAO.

Dated, Hilo, Hawaii, March 10th, 1911.

I hereby certify that the foregoing Resolution is a true copy of the original adopted by the Labor Union, now on file.

C. B. MAKANUI,  
Acting Secretary.

(SEAL)

The Communication was received and placed on file, and the Resolutions were referred to the Committee on Ways and Means.

Senator J. T. Brown presented a Report (No. 126) from the Printing Comimittee, stating that Senate Bills Nos. 74 and 75 were printed and ready for distribution.

Second Reading of Senate Bill No. 74, entitled "An Act to Amend Line 6 of Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905 of the Territory of Hawaii, Relating to the Salary of the Sheriff of the County of Hawaii."

Referred to a Select Committee composed of the Members from Hawaii.

Second Reading of Senate Bill No. 75, entitled "An Act to Amend Section 1320 of the Revised Laws, Relating to the Schedule of Stamp Duties."

Referred to the Committee on Ways and Means.

Senator C. Brown gave notice of his intention to introduce a Bill entitled "An Act Authorizing the Appointment of a

Bank Examiner, Defining His Tenure of Office, and the Duties to be Performed by Him as Such Examiner.”

Senator Judd gave notice of his intention to introduce the following Bills:

1. “An Act to Amend Section 6 of Act 133 of the Session Laws of 1909, Relating to the Conservation and Development of Natural Resources Through Immigration and Other Means.”

2. “An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation and Other Purposes, and for the Reclamation of Arid or Semi-Arid Lands in the Territory of Hawaii.”

Under suspension of the rules, Senator Judd introduced Senate Bill No. 84, entitled “An Act to Amend Section 6 of Act 133 of the Session Laws of 1909, Relating to the Conservation and Development of Natural Resources Through Immigration and Other Means.”

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Judd introduced Senate Bill No. 85, entitled “An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation and Other Purposes, and for the Reclamation of Arid or Semi-Arid Lands in the Territory of Hawaii.”

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Kaleiupu gave notice of his intention to introduce the following Bills:

1. “An Act to Amend Section 1035 of the Revised Laws of Hawaii, as Amended by Section 1 of Act 21 of the Session Laws of 1905, Relating to Cleaning of Streets, Removal of Garbage, Dead Animals and Other Nuisances, Cleaning of Cess-pools and Making Sewer Connections in Any City, Town or Village in the Territory of Hawaii, and to Regulate Charges and Rates for Such Services.”

2. “An Act to Amend Sections 1036 and 1037 of the Revised Laws of Hawaii, Relating to Regulation and Payment of Sewer Rates.”

3. “An Act to Repeal Section 1115 of the Revised Laws of Hawaii.”

Under suspension of the rules, Senator Kaleiupu introduced Senate Bill No. 86, entitled "An Act to Amend Section 1035 of the Revised Laws of Hawaii, as Amended by Section 1 of Act 21 of the Session Laws of 1905, Relating to Cleaning of Streets, Removal of Garbage, Dead Animals and Other Nuisances, Cleaning of Cesspools and Making Sewer Connections in Any City, Town or Village in the Territory of Hawaii, and to Regulate Charges and Rates for Such Services."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Kaleiupu introduced Senate Bill No. 87, entitled "An Act to Amend Sections 1036 and 1037 of the Revised Laws of Hawaii, Relating to Regulation and Payment of Sewer Rates."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Kaleiupu introduced Senate Bill No. 88, entitled "An Act to Repeal Section 1115 of the Revised Laws of Hawaii."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Hewitt gave notice of his intention to introduce a Resolution to amend the rules of the Senate so as to provide for a Committee on Manufactures, Forestry, Promotion and Immigration.

Third Reading of Senate Bill No. 29, entitled "An Act for the Relief of John A. Cummins."

Upon motion by Senator Quinn, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Fairchild.

Third Reading of Senate Bill No. 71, entitled "An Act to Amend Section 1419 of the Revised Laws of Hawaii, Relating to Brands."

Upon motion by Senator Makekau, seconded by Senator Hewitt, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of Senate Bill No. 78, entitled "An Act to Amend Section 2359 of the Revised Laws, as Amended by Act 7 of the Laws of 1905, Relating to the Duties of the Registrar of Conveyances."

Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of Senate Bill No. 80, entitled "An Act to Amend Section 1721 of the Revised Laws of Hawaii, Relating to Service of Summons Issued Under the Seal of a Court of Record."

Upon motion by Senator Robinson, seconded by Senator J. T. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 9, entitled "An Act to Amend Section 28 of Chapter 9 of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

Upon motion by Senator Makekau, seconded by Senator Baker, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: Senator C. Brown.

Third Reading of House Bill No. 74, entitled "An Act to Amend Sections 1680, 1681, 1684 and 1886 and Repeal Sections 1682, 1685, 1686 and 1687 of the Revised Laws of Hawaii, Relating to Supreme Court and Circuit Court Clerks."

Upon motion by Senator Quinn, seconded by Senator J. T.

Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 130, entitled "An Act to Amend Section 2916, Chapter 188, of the Revised Laws of Hawaii, Relating to Assault and Battery."

Upon motion by Senator Judd, seconded by Senator Hewitt, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: Senator Baker.

Third Reading of House Bill No. 131, entitled "An Act to Amend Section 2794, Chapter 181, of the Revised Laws of Hawaii, Relating to Bonds."

Senator Judd offered an amendment to the title by inserting the words "to keep the peace" after the word "bonds". Seconded by Senator Chillingworth, and carried.

Upon motion by Senator C. Brown, seconded by Senator Fairchild, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 132, entitled "An Act to Amend Section 2977, Chapter 196, of the Revised Laws of Hawaii, Relating to Receiving Stolen Goods."

Upon motion by Senator Chillingworth, seconded by Senator Hewitt, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total 14. •

Noes: None.

Third Reading of House Bill No. 89, entitled "An Act to Amend Section 2966 of the Revised Laws of the Territory of Hawaii, Relating to Embezzlement."

Upon motion by Senator Judd, seconded by Senator J. T. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

A Communication (No. 35) from the Chief Clerk of the Office of the Secretary of the Territory, notifying the Senate that the Governor had signed House Bills Nos. 28 and 76, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**  
**Secretary of Hawaii.**

Honolulu, T. H., March 18, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has signed the following bills:

House Bill No. 28, as Act 25, entitled "An Act to Amend Section 1418G of the Revised Laws of Hawaii, Relating to Licenses, as Enacted by Act 95 of the Session Laws of 1907;"

House Bill No. 76, as Act 26, entitled "An Act Making Appropriation for the Construction, Reconstruction, Improvement and Extension of the Wharves and Wharf Sheds at Mahukona, Hawaii, and Hanalei, Kauai, and for the Construction of Approaches Thereto."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk

The Communication was received and placed on file.

At this juncture, Senator Chillingworth moved that the thanks of the Senate be extended to the Members of the Hold-Over Committee on Ways and Means for their valuable serv-



ices rendered to the Senate, seconded by Senator Judd, and carried.

At 11:01 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## TWENTY-EIGHTH DAY.

Monday, March 20, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Twenty-seventh Day was read and approved.

Senator Robinson introduced a Resolution (No. 19) relating to rations for the inmates of the Molokai Leper Settlement, as follows:

### RESOLUTION.

RESOLVED: That the Ration allowance of the Lepers at Kalaupapa and Kalawao, Molokai, be increased from \$10 per year to \$15.00 and that, an appropriation sufficient to provide each person entitled to paiai ration to receive 50 cents per week in groceries in addition to the paiai ration or poi now given them.

WM. T. ROBINSON,  
Senator 2nd District.

March 20, 1911.

The Resolution was referred to the Committee on Ways and Means.

Senator Makekau gave notice of his intention to introduce a

Bill entitled "An Act to Provide for the Issuance of Licenses for the Manufacture, Compounding and Preparation of Certain Food Products."

Under suspension of the rules, Senator Makekau introduced Senate Bill No. 89, entitled "An Act to Provide for the Issuance of Licenses for the Manufacture, Compounding and Preparation of Certain Food Products."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Second Reading of House Bill No. 32, entitled "An Act to Provide for the Registration of Voters."

Upon motion by Senator Hewitt, seconded by Senator Judd, consideration of the Bill on Second Reading was further deferred until Wednesday, March 22nd, 1911.

Senator Fairchild presented a Report (No. 127) from the Committee on Ways and Means, to whom had been referred Senate Joint Resolution No. 1, recommending the adoption of a substitute Resolution, as follows:

Honolulu, Hawaii, March 20, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means, to whom has been referred Senate Joint Resolution No. 1, begs leave to report that they have had same under careful consideration, and after due deliberation came to the conclusion that in considering the resolution, not only questions of policy and revenue were involved, but also the feasibility of the scheme as well.

Upon inquiry we find that this resolution was introduced by the Chairman of our Committee at the request of the regents of the College of Hawaii, the object in having same presented being to provide an independent source of certain revenue rather than to be forced to rely upon the uncertain and inadequate appropriations which heretofore the Legislature has, with reluctance, provided.

The regents of the College have been advised that the demands for appropriations upon the Legislature now in session amount in the aggregate to a sum which is nearly three times the estimated revenues for the next biennial period. Realizing that there was little chance for them to receive from the Legislature appropriations needed for the development of their

institution, had recourse to a scheme, which they claim obtains in the States, for endowing their College with the revenues from a specified tract of public land. They have recommended for transfer to these regents the lands of Waialua in the proposed Act, but are quite willing to have any other lands so long as the object of the Act is attained.

While the resolution, upon its introduction, was regarded with suspicion as an agreement between the Regents of the College of Hawaii and the Lihue Plantation Company looking to the relief of one or the other institutions, we found that the Lihue Plantation Company knew nothing of the matter. Upon inquiry it was found that the lands sought to be transferred to the Regents for the purposes of the proposed Act, were under lease to the Lihue Plantation Company for six more years, and that the plantation was not willing to surrender them at this time.

In the interests of devising ways and means to meet the crying needs of the education and health of the inhabitants of the Territory, your Committee have carefully scrutinized every source of revenue with a view of finding some means for raising funds to provide, not only for the College of Hawaii, but for the alleged underpaid teachers of our schools, the \$800,000.00 required for school houses as well as other large sums necessary to be expended in reclaiming disease-breeding lands and in improving the hospitals for our sick and unfortunates in the asylums and on Molokai.

There have been presented to the Legislature bills and resolutions looking to the raising of necessary funds for these purposes, among them a request that Congress pay over to the Territory one-third of the proceeds of the Custom House for the support of the schools. The so-called "vested interests" through the leading financial organizations here have gone upon record as being opposed to any increase in the taxes at this time. Your Committee, believing that Hawaii should be sufficient unto itself to take care of its children and sick without asking financial aid of Congress, has, upon investigation, found that there are about 40,000 acres of developed agricultural lands with water belonging to the Territory, which lands are under lease to corporations, and in many instances at very low rentals. Upon the expiration of these leases, should the lands and water be withdrawn from the restrictions or obligations of the Organic Act and placed in the hands of a board, of say five members, the Chairman of which should be the Governor, we have ample evidence to warrant the prophecy that these lands and water would bring into the Territory in rents and taxes at least \$400,000.00 a year, which revenue should be available only for appropriations in the interests of education and health. Some may oppose this idea on the

ground that the withdrawal of the developed agricultural lands from the provisions of the Organic Act for homesteaders would interfere with homesteading.

Your Committee is assured that as much and more undeveloped land and water is available for such purpose, to which they recommend homesteaders be given free access, if deemed advisable, but it does not seem fair to the inhabitants of the Territory that developed lands and water, capable of producing such a large yearly revenue, being equivalent to 5% on \$8,000,000.00, should be practically given away to a small percentage of the inhabitants of the Territory, or to immigrants to arrive, when the needs in the way of education and health of the inhabitants of the Territory are so great.

With the approaching completion of the Panama Canal, precursing a large, varied, and, as to infectious diseases, dangerous commerce, it is necessary to make use of every available source of income to render, Honolulu, around which the United States is spending vast sums in creating a Naval and Military stronghold, by the use of modern sanitary methods, as free from disease as possible.

As to the question of policy, your Committee being impressed with the present and future need for funds in the interests of education and health, look with favor upon the policy embodied in the resolution, as its adoption would result in making the lessees of the public lands pay for the use of same, the maximum revenue in the interests of the education and health of the people.

While it may be true that already the "corporations" are heavily taxed, it is equally true that the present rentals paid to the Government are out of all proportion to their value. Owing to the provisions of the Organic Act, no lease of agricultural lands can be made which is more than a tenancy at will therefore prospective lessees are only justified in offering small rentals owing to the uncertainty of tenure of any lease which the Government can grant.

The short-term lease has also given rise to the practice among tenants of neglecting the principles of good husbandry, the limited term militating against the expenditure of time and money necessary to insure scientific conservation of the soil, thereby greatly reducing, rather than enhancing, as good husbandry would, the yielding capacity of the land.

As an example of loss directly attributable to the indefinite term lease system, your Committee finds that in one district where 3000 acres of public developed land with a daily flow of 15,000,000 gallons of water were formerly operated under a lease which had expired and had not been renewed for five years, the falling off in revenues in the way of taxes and rent-

als, etc., has amounted to approximately \$30,000.00 per annum.

While being in accord with the spirit of the resolution, your Committee is of the opinion that it is unfair while all are suffering to single out any one institution of education or health for relief, and would, therefore, present for consideration the accompanying resolution, which is broader in character, and, it is believed, will meet with more general favor.

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

WM. T. ROBINSON,

JOHN T. BROWN,

E. W. QUINN,

CECIL BROWN.

#### SENATE SUBSTITUTE JOINT RESOLUTION NO. 1.

WHEREAS, it is desirable and fitting that adequate and permanent provision be made for the support and maintenance of the Education and Health of the inhabitants of the Territory, which provisions may best be made by setting apart for such uses the rents, issues and profits of the developed public lands and waters, requiring action of the Congress of the United States of America; therefore, be it

RESOLVED, BY THE LEGISLATURE OF THE TERRITORY OF HAWAII:

That the Congress of the United States of America be and it hereby is respectfully requested to make such provision by the passage of an Act substantially in the words and figures following:

#### A N A C T

TO PROVIDE FOR THE SUPPORT AND MAINTENANCE OF  
THE PUBLIC SCHOOLS, HEALTH AND SANITATION.

Be It Enacted by the Senate and House of Representatives of  
the United States of America, in Congress Assembled:

Section 1. That for a period of fifty years from and after the passage of this Act, all the developed public land and all developed water of the Territory of Hawaii, less such portion thereof as may have been set aside for specific purposes, together with all rights, easements, privileges, appurtenances, rents, issues and profits thereof, shall be held and administered by a Commission of which the Governor of the Territory of Hawaii and the Land Commissioner, or other person holding a

position corresponding thereto, shall be ex-officio members, the remaining three members to be appointed by the Governor; said three members to be appointed, respectively, for terms of four, six and eight years and shall be removable by the Governor with the consent of the Senate only for good cause shown. Said members other than the ex-officio members of said Commission shall receive as compensation for their services such sum as the Legislature of the Territory of Hawaii shall from time to time appropriate for that purpose.

Section 2. Said Commission, so appointed, as aforesaid, is hereby authorized to hold, manage, lease, rent, or otherwise utilize said lands, except by sale of same or any part thereof, or any interest therein, as said Commission may deem best to the end that as large a revenue as possible may be derived therefrom, and in order to more effectually accomplish this purpose, the restrictions imposed by law upon the management, handling and dealing in and with public land and water in the Territory of Hawaii, shall not be held or considered to apply as to said developed land and developed water, in any respect other than as specifically set forth in this Act.

Section 3. The revenues derived from such land and water shall be paid by the said Commission to the Treasurer of the Territory of Hawaii, who shall deposit the same in a special fund. Such fund shall, from time to time, be appropriated by the Legislature of the Territory of Hawaii solely for the purpose of improving, and extending the educational system of said Territory of Hawaii, or for use for quarantine, sanitary, or health purposes in the following proportions, to wit: Fifty per cent. (50%) of such revenue to be for the use and benefit of the Public Schools, Forty per cent. (40%) thereof for quarantine, sanitary and health purposes, and Ten per cent. (10%) thereof for the use and benefit of the College of Hawaii.

Section 4. Said Commission shall, within thirty days after its appointment, make and publish rules and regulations affecting its powers, which rules and regulations shall have the force of law, and shall, upon the request of the Legislature of the Territory of Hawaii, or upon the application of a majority of said Commission, be reviewed as to their legal effect and reasonableness by the Supreme Court of the Territory of Hawaii and the judgment of said Supreme Court as to the legality and reasonableness of said rules and regulations shall be final.

Section 5. The term "Developed Land" as used herein shall mean public lands which have heretofore been used or are now being used for agricultural purposes.

The term "Developed Waters" as used herein shall mean water which has heretofore been used or is now being used for agricultural purposes.

Section 6. This Act shall take effect upon its approval.

The Report of the Committee was received and placed on file, and Substitute Joint Resolution No. 1 passed First Reading and was referred to the Printing Committee.

Senator J. T. Brown presented a Report (No. 128) from the Printing Committee, stating that the Report of the Hold-Over Committee on Ways and Means was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator J. T. Brown presented a Report (No. 129) from the Printing Committee, stating that Senate Bills Nos. 82, 83, 87 and 88 were printed and ready for distribution.

Second Reading of Senate Bill No. 82, entitled "An Act to Amend Section 1221 of the Revised Laws of Hawaii, as Amended by Act 141 of the Session Laws of 1909, Relating to Property Exempt from Taxation."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 83, entitled "An Act to Regulate the Practice of Veterinary Medicine, Surgery and Dentistry in the Territory of Hawaii."

Referred to the Committee on Public Health.

Second Reading of Senate Bill No. 87, entitled "An Act to Amend Sections 1036 and 1037 of the Revised Laws of Hawaii, Relating to Regulations and Payment of Sewer Rates."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 88, entitled "An Act to Repeal Section 1115 of the Revised Laws of Hawaii."

Referred to the Judiciary Committee.

Senator Chillingworth introduced a Concurrent Resolution (No. 7) relative to deliberations of Boards and Commissions appointed by Act of the Legislature, as follows:

#### CONCURRENT RESOLUTION.

WHEREAS, it has been the practice of some of the Boards appointed by Acts of the Legislature to deliberate behind closed doors on matters connected with its duties, therefore

BE IT RESOLVED by the Senate of the Territory of Hawaii, the House of Representatives concurring, that the Legislature hereby declares its wish that all sessions and hearings of Boards or Commissions appointed as a result of Acts or Resolutions of the Legislature be open to the public at all times.

CHAS. F. CHILLINGWORTH,

March 20th, 1911.

Senator 3rd District.

Referred to the Judiciary Committee.

Senator Hewitt presented a Report (No. 10) from the Joint Conference Committee on House Bill No. 8, as follows:

Honolulu, T. H., March 20, 1911.

Honorable H. L. Holstein,  
Speaker of the House of Representatives, and

Honorable Eric A. Knudsen,  
President of the Senate.

Sirs:—

Your Committee of Conference to whom was referred Senate amendments to House Bill No. 8, entitled "An Act to Amend Section 13 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905 and as Amended by Session Laws of 1909, Relative to Deputy Sheriffs," introduced by Representative J. P. Hale, beg leave to report as follows:

That said Committee having met after full and free conference have agreed to recommend and do recommend to their respective houses, as follows: That the Senate recede from its amendments to said House Bill and agree to the Bill as passed by the House of Representatives.

Respectfully submitted,

ALFRED L. CASTLE,  
J. P. HALE,  
WM. J. SHELDON,  
Conferees on the part of the  
House of Representatives

GEO. C. HEWITT,  
E. W. QUINN,  
S. E. KALAMA,  
Conferees on the part of the Senate.

Upon motion by Senator Makekau, seconded by Senator Robinson, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.



Noes: Senator C. Brown.

At 10:36 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## TWENTY-NINTH DAY.

Tuesday, March 21, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Twenty-eighth Day was read and approved.

A Communication (No. 36) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 139, 26 and 37, was read by the Clerk, as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 20, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 139, as Act 27, entitled "An Act to Appropri-

ate Money for the Relief of the Hawaiian Development Company, Limited;"

Senate Bill No. 26, as Act 28, entitled "An Act to Authorize the Appointment of the Sanitary Commission of Honolulu and to appropriate Money for the Expenses of Such Commission;"

Senate Bill No. 37, as Act 29, entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii and to appropriate Money to Make Said Chapter Effective."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 37) from Mr. Marston Campbell, Commissioner of Public Lands, relative to certain public lands in the District of Kau, Island of Hawaii, was read by the Clerk as follows:

#### TERRITORY OF HAWAII.

#### COMMISSION OF PUBLIC LANDS.

Honolulu, March 20, 1911.

Gentlemen:—

Replying to your Resolution relative to the Lands of Kioloku, District of Kau, I submit the following:

1. Q. Is the land of Kioloku in the District of Kau, now occupied by the Hutchinson Sugar Co., regarded by the Government as public land?

A. The land of Kioloku, in the District of Kau, now occupied by the Hutchinson Plantation, is listed as "Government Land," but the title has been in doubt for many years.

Q. If so, what revenue if any is the Government deriving therefrom, and upon what terms is it held by said Company?

A. The Government is not deriving any revenue therefrom.

2. Q. Is it not true that said land was assumed to have been sold by King Kalakaua to parties through whom said parties now claim title thereto?

A. Yes.

3. Q. Is it not true that said land at the time of such assumed sale was Crown land, or Government land, and that King Kalakaua had not title thereto?

A. At the present time, I am unable to answer this question.

4. Q. What steps, if any, has the Government taken to recover said land or to have the title thereto determined?

5. Q. If the Government has taken no such steps, does the Government intend to take action to that end, or for that purpose? If not, why not?

A. (4&5). The matter was some months ago placed in the hands of the Attorney General for investigation and such steps as he shall advise in the premises will be taken. At present writing, such investigation has not yet been completed.

Note: On July 1, 1870, a partition deed was made between Lydia K. Dominis and her husband, John O. Dominis, L. M. Kapaakea, David Kalakaua and his wife, Kapiolani, and R. Keelikolani, as guardian of W. P. Kalahoolewa, whereby it appears that Lydia K. Dominis, Likelike, who was also known under the name of L. M. Kapaakea, David Kalakaua and W. P. Kalahoolewa were the children of C. Kapaakea and Annie Keohokalole, and as such were heirs at law of Annie Keohokalole, deceased, and entitled as heirs at law and tenants in common to certain property in the Hawaiian Islands, among which was claimed the land of Kioloku. By virtue of said partition, the land of Kioloku was set aside to David Kalakaua, who on December 15, 1873, conveyed it to Obadiah B. Spencer, and mesne conveyances it is now held by the Hutchinson Sugar Plantation Company.

6. Q. Have any of the lots laid out for homesteads upon the lands of Kaunamano, in said Kau, and which were not disposed of to homesteaders, been used by said Company since the same were so laid off?

A. Yes.

Q. Upon what terms has said Company used or occupied the same?

A. Tenancy at Will. Rental \$3.50 per acre per year.

7. Q. Is said Company now occupying any of said lots? If so, upon what terms?

A. Answered in No. 6.

8. Q. If said Company has been or is now occupying any of said lots, have the same, or any thereof, been applied for by intending homesteaders?

A. Yes.

Q. If so have they been allotted to homesteaders?

A. No.

9. Q. Is it not true that Lot 15 of said Kaunamano Homestead Tract has not been assigned for homestead purposes?

A. Yes, it has not been assigned.

Q. If it has not been assigned, has it been applied for, for such purposes?

A. Yes.

Q. If so, why has it not been assigned for such purpose?

A. See Court record hereto attached in matter of application of John Greig for Writ of Mandamus.

Very respectfully,

MARSTON CAMPBELL,  
Commissioner of Public Lands.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii,  
Honolulu.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIR-  
CUIT, TERRITORY OF HAWAII.

AT CHAMBERS.

In the Matter of the Application of John Greig for a Writ of Man- damus against Marston Cambell, Commissioner of Public Lands of The Territory of Hawaii.	}	MANDAMUS.
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JUDGMENT.

BE IT KNOWN:

That heretofore, to wit, on the 31st day of March, 1910, there was filed, by John Greig, in the above entitled matter, his certain petition wherein and whereby among other things he did pray that the Honorable presiding Judge at Chambers of the Circuit Court of the First Circuit of the Territory of Hawaii, to wit, the Honorable W. J. Robinson, Third Judge of said Court, issue an order directed to Marston Campbell, Commissioner of Public Lands of said Territory, returnable in accordance with law and directing and commanding the respondent herein, the said Marston Campbell, Commissioner of Public Lands as aforesaid forthwith to give public notice of the opening of Lots 13, 15, 19, 20, 21, 24 and 26, Kaunamano Homesteads, District of Kau, Island and County of Hawaii, for occupation in accordance with Part 7 of Chapter 22 of the Revised Laws of Hawaii, or to show cause to the contrary;

That thereafter, and on to wit, the 31st day of March, 1910, the undersigned as Judge of the Circuit Court of the First Judicial Circuit of the Territory of Hawaii, duly and regularly presiding at chambers did, in compliance with the prayer of the said John Greig, issue an order directed to the said res-

pondent, Marston Campbell, Commissioner of Public Lands of said Territory, ordering and directing said respondent forthwith to give public notice of the opening of said lots 13, 15, 19, 20, 21, 24 and 26, Kaunamano Homesteads, Kau, Island and County of Hawaii, for settlement and occupation in accordance with Part 7 of Chapter 22 of the Session Laws of Hawaii or in the alternative to show cause before the undersigned as said Judge on the fifth day of April, 1910, why he had not done so.

That thereafter, and on to wit, the 4th day of April, 1910, the said respondent, Marston Campbell, Commissioner of Public Lands, did file by way of return to said Alternative order so issued as aforesaid his "Motion to Quash Alternative Writ and to Dismiss Proceedings;" that thereafter and on to wit, the said 5th day of April, 1910, the said "Motion to Quash Alternative Writ and to Dismiss Proceedings" came on regularly for hearing before the undersigned as said Judge, the Honorable Alexander Lindsay, Jr., Attorney General of said Territory, appearing for the said respondent and Wade Warren Thayer, Esq., appearing for the said petitioner, John Greig, and the same having been regularly argued and submitted the said undersigned did orally render his decision in Chambers granting the said motion of respondent, Marston Campbell, Commissioner of Public Lands, to Quash the Alternative Writ of Mandamus and to dismiss the proceedings herein, on the ground in said motion set forth as the fifth ground thereof: "That the recitals in said Alternative Writ and the allegations of the petition upon which said writ is based are obviously repugnant and meaningless and do not confer upon this Court any jurisdiction to entertain said petition or to issue said Alternative Writ of Mandamus."

Now, Therefore, it is hereby ordered and adjudged that John Greig take nothing in or by this action; that the prayer of his complaint and petition herein for a writ of mandamus, be and the same is hereby denied; that the alternative writ of mandamus herein be, and the same is hereby dismissed, and that the said respondent, said Marston Campbell, Commissioner of Public Lands of the Territory of Hawaii be, and he is hereby hence dismissed.

DONE at Chambers this 21st day of April, 1910.

W. J. ROBINSON,  
Third Judge of the Circuit Court  
of the First Judicial Circuit,  
presiding in said cause.

## PUBLIC LANDS NOTICE.

Notice is hereby given to the members of the Thompson Settlement Association that applications for their respective lots Nos. 5, 6, 8, 9, 10, 11, 12, 14, 17, 18, 21 and 25 in the Kaunamano Tract, Kau, Hawaii, will be received at the office of the Sub-Agent of the Third Land District (which office will be established for the day at the Court House, at Waiohinu, Kau, Hawaii), at and after nine o'clock A. M. on Saturday, September 7, 1907.

The Government reserves ownership and control of the permanent flumes, ditches, water-ways and rights-of-way for same as now located for transportation of water, cane, etc., across the above lots.

The Government also reserves ownership and control of the buildings now located on Lots 5 and 21.

The Government also reserves ownership and control of reservoirs and approaches thereto on Lots 5 and 8.

JAS. W. PRATT,  
Commissioner of Public Lands.

Honolulu, August 6, 1907.

7799—Aug. 7, 10, 17, 24, 31, Sept. 7.

Kaunamano—Kau. Thompson Sett. Assn.

Lot No.	Purchasers.	Tenure.
5	S. E. Rogers	R. P. L. 90
6	L. H. Rogers	" 93
8	F. C. Eaton	" 82
9	L. S. Thompson	" 92
10	G. C. Hewitt	" 88
11	J. B. Jones	" 87
12	C. G. Macomber	" 89
14	Jno. Kekuna	" 86
17	W. H. Hayselden	" 91
18	C. J. Green	" 83
21	B. B. Taylor	" 84
25	L. K. Auld	" 85

October 23, 1907. Opening of the Kaunamano lots postponed until further notice.

## BY AUTHORITY.

**NOTICE OF OPENING FOR SETTLEMENT OF CERTAIN  
LOTS OF AGRICULTURAL LAND SITUATE AT  
KAUNAMANO, KAU, HAWAII.**

Notice is hereby given that the lots described in the following schedule will be opened for settlement as Right of Purchase Leases, under Part 7, Land Act 1895, (Section 313 Revised Laws) at and after eight o'clock A. M. on Saturday, October 26, 1907, at the office of the Sub-Agent of the Third Land District (which office will be established for the day at the Court House at Waiohinu, Kau, Hawaii).

**SCHEDULE.**

Lot No.	Area.	Appraised Value.
1 .....	81.4 Acres .....	\$247.50
2 .....	69.1 " .....	385.00
3 .....	52.9 " .....	397.50
4 .....	64.5 " .....	405.00
7 .....	79.0 " .....	462.50
13 .....	71.8 " .....	647.50
15 .....	24.7 " .....	370.00
22 .....	41.8 " .....	547.50
26 .....	49.9 " .....	510.00
30 .....	69.5 " .....	532.50

Plans of the lots and full particulars as to necessary qualifications of applicants, method of applying, etc., may be obtained at the Land Office in Honolulu, or from Sub-Agent T. C. White, at Kealahakua, Kona, Hawaii.

JAS. W. PRATT,  
Commissioner of Public Lands.

Honolulu, Oahu, T. H., September 25, 1907.

3607 Sept. 26, 28; Oct. 5, 12, 19.

**NOTICE OF SALE OF AGRICULTURAL-PASTORAL LOTS  
AT KAUNAMANO, KAU, HAWAII.**

At 12 o'clock noon, Monday, Sept. 20, 1909, at the front entrance to the Court House, Waiohinu, Kau, there will be sold at public auction under provisions of Part IV, Land Act 1895, Sections 276, Revised Laws of Hawaii, the following described Lots:

Lot No.	Area.	Upset Price.
1 .....	37.5 Acres of arable land.....	\$347.50
	43.9 " " pastoral land	
2 .....	47.0 " " arable land .....	385.00
	22.1 " " pastoral land	
3 .....	59.9 " " arable land .....	397.50
4 .....	51.5 " " arable land	
	13.0 " " pastoral land .....	405.00
7 .....	25.5 " " arable land	
	53.5 " " pastoral land .....	462.50
16 .....	40.0 " " arable land	
	10.5 " " pastoral land .....	615.00
23 .....	20.0 " " arable land	
	30.2 " " pastoral land .....	390.00
25 .....	34.1 " " arable land	
	17.6 " " pastoral land .....	535.00
27 .....	83.7 " " arable land .....	627.00
27A .....	88.0 " " arable land .....	660.00
28 .....	20.0 " " arable land	
	5.3 " " pastoral land .....	300.00
29 .....	15.0 " " arable land	
	40.7 " " pastoral land .....	547.00

The Government reserves all permanent flumes, ditches and rights-of-way to, from and for the same as now located and existing upon the said lots.

At the same time and place there will be sold for cash the buildings and tanks remaining and being upon these lots.

These lots will be sold under Special Agreements, containing the conditions that five per cent of purchase price shall be paid at time and place of sale, five per cent one year thereafter, and ten per cent annually thereafter until price has been paid, and containing certain other conditions, concerning which and for full information respecting this sale, application may be made to T. C. White, Sub-Agent, Third Land District, Kona, Hawaii, or to the office of the Commissioner of Public Lands at Honolulu.

MARSTON CAMPBELL,  
Commissioner of Public Lands.

8435—Aug. 21, 28; Sept. 4, 11, 18, 20.



IN THE CIRCUIT COURT OF THE FIRST JUDICIAL  
CIRCUIT, TERRITORY OF HAWAII.

AT CHAMBERS.

In the Matter of the Application of  
John Greig, for a Writ of Man-  
damus Against Marston Camp-  
bell, Commissioner of Public  
Lands of the Territory of Hawaii.

MOTION TO QUASH ALTERNATIVE WRIT AND TO DIS-  
MISS PROCEEDINGS.

To the Honorable Presiding Judge at Chambers  
of the Circuit Court of the First Judicial Circuit,  
Territory of Hawaii.

Comes now the respondent, Marston Campbell, Commis-  
sioner of Public Lands of the Territory of Hawaii, by Alex-  
ander Lindsay, Jr., Attorney General of said Territory, and  
moves the Court that the Alternative Writ of Mandamus issued  
herein be quashed and the proceedings herein dismissed, and  
that the said respondent be not required to answer further.

This motion is based on the record herein and is made on  
the several following grounds, to wit:

FIRST: That said Alternative Writ and the petition on  
which said Writ is based do not state facts sufficient for the is-  
suanee of the Writ of Mandamus or for any relief by manda-  
mus.

SECOND: That it does not appear from said Alternative  
Writ or from said Petition on which said Writ is based, or  
from both said writ and said petition, that the application for  
said writ is made by the party in interest herein, or by a per-  
son having any right in the premises, or by a person sustain-  
ing any injury complained of, or by one suffering or exper-  
iencing any detail of justice.

THIRD: That it does not appear from said Alternative Writ  
or from said Petition upon which said Writ is based, or from  
both said Writ and said Petition, that respondent, Marton  
Campbell, Commissioner of Public Lands for the Territory of  
Hawaii, is under any legal obligation or duty to give public  
notice of the opening for occupation of said lots mentioned in  
the prayer of said petition and in said Alternative Writ, or any  
of said lots, in accordance with the application alleged in said  
petition as having been made by petitioner.

FOURTH: That said Alternative Writ is void in that it  
seeks to enforce the exercise of a purely discretionary duty,

and seeks to restrain said respondent from exercising his legal discretion in the premises.

FIFTH: That the recitals in said Alternative Writ and the allegations of the petition upon which said Writ is based are obviously repugnant and meaningless and do not confer upon this court any jurisdiction to entertain said petition or to issue said Alternative Writ of Mandamus.

WHEREFORE, the said respondent asks that said Alternative Writ be quashed and that the proceedings herein be dismissed and that the respondent go hence with his reasonable costs and expenses herein incurred.

MARSTON CAMPBELL,  
Commissioner of Public Lands of the  
Territory of Hawaii, respondent.

By (Sgd) ALEXANDER LINDSAY, JR.  
Attorney General.

Dated, Honolulu, April 4, 1910.

IN THE CIRCUIT COURT, FIRST CIRCUIT, TERRITORY OF  
HAWAII.

AT CHAMBERS.

In the Matter of the Application  
of John Greig, for a Writ of Man-  
damus Against Marston Camp-  
bell, Commissioner of Public  
Lands of the Territory of Hawaii.

PETITION FOR ALTERNATIVE WRIT OF MANDAMUS.

To the Honorable Presiding Judge of the Circuit Court,  
Territory of Hawaii, at Chambers.

The petition of John Greig, of Honolulu, City and County of Honolulu, Territory of Hawaii, respectfully shows to the Court as follows:

1st:—That he is a citizen and tax-payer of the Territory of Hawaii and at present resides in Honolulu aforesaid;

2nd:—That on or about the 7th day of September, 1907, a tract of land belonging to the Territory of Hawaii, situate in Kaunamano, District of Kau, Island and County of Hawaii, was duly surveyed and set apart by the Commissioner of Public Lands of the Territory of Hawaii, with the approval of the Governor of Hawaii, in accordance with Sections 313 and 329

et seq., of the Revised Laws of Hawaii, relating to Right of Purchase Leases, Cash Freeholds and Settlement Associations;

3rd:—That thereafter said tract of land was duly appraised in accordance with law, and a portion thereof was noticed for opening in accordance with Sections 315 and 330 of the Revised Laws of Hawaii, and said portion of said land was opened for settlement and is now held and occupied by various persons under right of purchase leases and special homestead agreements with the Territory of Hawaii;

4th:—That other portions of said tract of land, to wit, Lots 13, 15, 19, 20, 21, 24 and 26, were not so noticed for opening as set forth in Paragraph 3rd hereof and have not been so noticed for opening in accordance with law or at all.

5th:—That your petitioner on or about the 12th day of March, 1910, duly applied to T. C. White, Sub-Agent of Public Lands, Third District, Kona and Kau, for a Right of Purchase Lease of said Lot No. 15, "Kaunamano Homesteads," a copy of which said application is hereto attached, made a part hereof and marked Exhibit "A," and that said application was then and there denied;

6th:—That it was and is the duty of Marston Cambell, Esq., Commissioner of Public Lands of the Territory of Hawaii, to give public notice of the opening of said Lots 13, 15, 19, 20, 21, 24 and 26, of said Kaunamano Homesteads, for occupation and settlement under the law.

7th:—That your petitioner has made due demand upon Marston Campbell, Esq., Commissioner of Public Lands, Territory of Hawaii, respondent herein, to have the said Lots 13, 15, 19, 20, 21, 24 and 26, Kaunamano Homesteads noticed for opening as required by law, but that said demand was refused;

8th:—That your petitioner is without remedy in the ordinary course of the common law.

Wherefore your petitioner prays:

1. That an Alternative Writ of Mandamus issue out of this Court directing and commanding the respondent herein, Marston Campbell, Commissioner of Public Lands of the Territory of Hawaii, forthwith to give public notice of the opening of said Lots 13, 15, 19, 20, 21, 24 and 26, Kaunamano Homesteads, District of Kau, Island and County of Hawaii, for occupation in accordance with Part 7 of Chapter 22 of the Revised Laws of Hawaii, or to show cause to the contrary this Court on the 5th day of April, 1910, at 9:30 o'clock A. M.

2. That petitioner may be adjudged to recover his costs herein.

Dated at Honolulu this 30th day of March, 1910.

(S) JOHN GREIG,  
Petitioner.

Territory of Hawaii,  
City and County of  
Honolulu.

John Greig, being duly sworn deposes and says: That he is the petitioner above named; that he has read said petition and knows the contents thereof and that the facts therein stated are true.

(S) JOHN GREIG.

Subscribed and sworn to before me  
this 31st day of March, 1910.

(S) WM. J. FORBES,  
Notary Public 1st Judicial Circuit.

(SEAL)

EXHIBIT "A."

Honolulu, March 11th, 1910.

T. C. White, Esq.,  
Sub-Agent of Public Lands,  
Third District, Kona and Kau,  
Hawaii.

Dear Sir:—

I hereby make application for a right of purchase lease from the Territory of Hawaii of Lot No. 15, Kaunamano, Kau, Hawaii, and herewith tender you the sum of \$14.82, being fee required by Sec. 317 of the Revised Laws.

The area of this lot is 24.70 acres, and at the appraised value already fixed of \$15.00 per acre, the total value is \$370.50. The fee tendered herewith is one-half of eight per cent of said appraised value, in accordance with Sec. 319 of the Revised Laws.

A sworn declaration in accordance with Sec. 347 of the Re-

vised Laws is hereto attached, and made a part of this application.

Yours very truly,

(Signed)

JOHN GREIG.

Territory of Hawaii,  
Island of Oahu,  
City and County of  
Honolulu.

I, JOHN GREIG, being sworn, say that I am over eighteen years old; that I am a citizen of the United States; that I am under no civil disability for any offense; that I am not delinquent in the payment of taxes; that I have made no false declaration in applying for land under Chapter 24 of the Revised Laws; that I am unmarried; that I own the following lands in the Territory of Hawaii:

Location	Class.	Area
North Kona	1st class; agr.	25 acres.

That besides the lands now applied for I am not an applicant for any interest in land under Chapter 22 of the Revised Laws, and that I am applying for the said land solely for my own use and benefit.

(SGN)

JOHN GREIG.

Subscribed and sworn to before me  
this 11th day of March, 1910.

WADE WARREN THAYER,  
Notary Public,  
(Seal) 1st Judicial Circuit.

IN THE CIRCUIT COURT, FIRST CIRCUIT, TERRITORY  
OF HAWAII.

AT CHAMBERS.

In the Matter of the Application of  
John Greig, for a Writ of Mandamus  
Against Marston Campbell,  
Commissioner of Public  
Lands of the Territory of Hawaii.

## ALTERNATIVE WRIT OF MANDAMUS.

The Territory of Hawaii:

To Marston Campbell, Esq., Commissioner of Public Lands of the Territory of Hawaii:

Whereas, it appears to this Court from the sworn petition of John Greig, that he is a citizen and taxpayer of the Territory of Hawaii; that on the 7th day of September, 1907, a tract of land belonging to the Territory of Hawaii, situate in Kaunamano, District of Kau, Island and County of Hawaii, was duly surveyed and set apart by the Commissioner of Public Lands of the Territory of Hawaii, with the approval of the Governor of Hawaii, in accordance with Sections 313 and 329 et seq., of the Revised Laws of Hawaii relating to Right of Purchase Leases, Cash Freeholds and Settlement Associations; that thereafter said tract of land was duly appraised in accordance with law, and a portion thereof was noticed for opening in accordance with Sections 315 and 330 of the Revised Laws of Hawaii and said portion of said land was duly opened for settlement and is now held and occupied by various persons under Right of Purchase Leases and Special Homestead Agreements with the Territory of Hawaii; that other portions of said tract of land to wit, Lots 13, 15, 19, 20, 21, 24 and 26 were not so noticed for opening and have not been so noticed for opening in accordance with law or at all; that said John Greig on or about the 12th day of March, 1910, duly applied to T. C. White, Sub-Agent of Public Lands, Third District, Kona and Kau for a Right of Purchase Lease of said Lot No. 15, Kaunamano Homesteads, and duly filed with said T. C. White the sworn declaration required by law showing him to be a duly qualified applicant and duly tendered to said T. C. White the fee required by law, but that said application was denied and said tender of said fee was refused; That said John Greig has made due demand upon Marston Campbell, Esq., Commissioner of Public Lands, Territory of Hawaii, to have said Lots 13, 15, 19, 20, 21, 24 and 26, Kaunamano Homesteads aforesaid noticed for opening as required by law, and that said demand was refused; and

Whereas, it appears to this Court from said petition that it is your duty under the law to notice said Lots 13, 15, 19, 20, 21, 24 and 26, Kaunamano Homesteads aforesaid for opening under the law; that said John Greig, as a tax-payer and citizen of the Territory of Hawaii and as an applicant for one of said lots is entitled to require you so to do, and that said John Greig is without any remedy in the premises in the or-

dinary course of the common law for compelling you to discharge your duty as aforesaid;

NOW THEREFORE, you are commanded forthwith to give public notice of the opening of said Lots 13, 15, 19, 20, 21, 24 and 25, Kaunamano Homesteads, Kau, Island and County of Hawaii, for settlement and occupation, in accordance with Part 7 of Chapter 22 of the Revised Laws of Hawaii; or, in the alternative, to be and appear before me at my chambers in the Judiciary Building, Honolulu, on the 5th day of April, 1910, at 9.30 o'clock A. M., to show cause, if any you have, why you have not done as commanded.

Done at Chambers this 31st day of March, 1910.

(SGD) W. J. ROBINSON,  
Third Judge of the Circuit Court,  
First Circuit, Territory of Hawaii.

(SGD) W. J. R.  
(SEAL)

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT, TERRITORY OF HAWAII.

AT CHAMBERS.

In the Matter of the Application of  
John Greg, for a Writ of Mandamus Against Marston Campbell, Commissioner of Public Lands of the Territory of Hawaii.

CHAMBERS SUMMONS.

THE TERRITORY OF HAWAII:

TO THE HIGH SHERIFF of the Territory of Hawaii, or his Deputy; the Sheriff of the City and County of Honolulu, or his Deputy;

YOU ARE COMMANDED To summon MARSTON CAMPBELL, Commissioner of Public Lands of the Territory of Hawaii, to appear on the 5th day of April, 1910, at 9:30 o'clock A. M. before such Judge of the Circuit Court of the First Circuit as shall be sitting at Chambers in the Court Room at Honolulu to answer the annexed Writ of Mandamus of John Greig;

AND YOU ARE FURTHER COMMANDED, by order of the Honorable Third Judge of the Circuit Court of the First Circuit to make service upon the said Marston Campbell, Com-

missioner as aforesaid, of a certified copy of the annexed petition and Writ of Mandamus.

And have you then there this Writ with full return of your proceedings thereon.

WITNESS the Honorable W. J. Robinson, Third Judge of the Circuit Court of the First Circuit, at Honolulu this 31st day of March, 1910.

(S) J. A. THOMPSON,  
(SEAL) Clerk.

I Certify the within Summons and Petition for Alternative Writ of Mandamus, Alternative Writ of Mandamus and Exhibit "A" annexed to be true copies of the original on file in said Court.

(S) PATRIC GLEASON,  
Deputy High Sheriff.

The Communication and Exhibits were referred to the Committee on Public Lands and Internal Improvements.

A Communication from the House of Representatives (No. 95), notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 8, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Joint Conference Committee on House Bill No. 8 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 96) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 131, was read by the Clerk as follows:



## SENATE JOURNAL.

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 131 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 97) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 9, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 9 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Senator Hewitt introduced a Resolution (No. 20) relative to amendments to the rules of the Senate, as follows:

## RESOLUTION.

WHEREAS, it is desirable to so amend the Senate Rules as to provide for the appointment of a committee on Manufactures, Forestry and Promotion, and to define the duties of such committee; Therefore, Be It

RESOLVED, that Senate Rule 22 be and the same is hereby amended by adding thereto a paragraph, to be numbered 10, and to read as follows:

“(10) Committee on Manufactures, Forestry and Promotion.”

And be it further

RESOLVED, that a new Rule, to be numbered 31A, be and the same is hereby enacted and adopted to read as follows:

COMMITTEE ON MANUFACTURES, FORESTRY AND  
PROMOTION.

“31A. It shall be the duty of the Committee on Manufactures, Forestry and Promotion to take into consideration all such laws, bills, petitions and other matters relating to said subjects, or any thereof, as shall be presented or come in question and be referred to them by the Senate, and to report their opinion thereon, with such recommendations relative thereto as may seem to them expedient.”

GEO. C. HEWITT,  
Senator, First Senatorial District.

Honolulu, March 21st, 1911.

Upon motion by Senator Hewitt, seconded by Senator Judd, the Resolution was adopted.

Senator Kaleiopu introduced a Resolution (No. 21) relating to Alewa Heights, as follows:

## SENATE CHAMBER.

## RESOLUTION.

WHEREAS, there is but one entrance into the Alewa Heights Tract, necessitating a long detour to arrive on same; and

WHEREAS, the population resident on the Tract has increased very rapidly; and

WHEREAS, it is very desirable and important that a more direct means of communication with the city proper be provided;

**THEREFORE, BE IT RESOLVED** by the Senate of the Territory of Hawaii, that the sum of \$6,500.00 be inserted in the Current or Loan Bill to cover the cost of extending the present Alewa Heights road from its termination past the Cemetary, and joining School Street at the point where the Asylum Road on the proposed extension of Judd Street would intersect. The extension of these two roads would open up a large residence tract and provide healthy and beautiful homesteads for very many families.

A. S. KALEIOPU,  
Senator 3rd District.

March 21, 1911.

The Resolution was laid on the table to be taken up for consideration with the Appropriation Bill.

Second Reading of Senate Bill No. 55, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905, Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909, Relative to a Tax on Incomes for Immigration Purposes."

The Bill passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 130) from the Printing Committee, stating that Senate Bills Nos. 84, 85 and 86 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 84, entitled "An Act to Amend Section 6 of Act 33 of the Session Laws of 1909, Relating to the Conservation and Development of the Natural Resources Through Immigration and Other Means."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 85, entitled "An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation and Other Purposes, and for the Reclamation of Arid and Semi-Arid Lands in the Territory of Hawaii."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 86, entitled "An Act to Amend Section 1035 of the Revised Laws of Hawaii, as Amended by Section 1 of Act 21 of the Session Laws of 1905, Relating to Cleaning of Streets, Removal of Garbage, Dead Animals

and Other Nuisances, Cleaning of Cesspools and making Sewer Connections in any City, Town or Village in the Territory of Hawaii, and to Regulate Rates and Charges for Such Service."

Referred to the Committee on Public Health.

Senator J. T. Brown presented a Report (No. 131) from the Printing Committee, stating that Senate Bill No. 89 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 89, entitled "An Act to Provide for the Issuance of Licenses for the Manufacture, Compounding and Preparation of Certain Food Products."

Referred to the Committee on Public Health.

Senator Robinson presented a Report (No. 132) from the Committee on Education, recommending the adoption of Senate Concurrent Resolution No. 1, as follows:

#### SENATE CHAMBER.

Honolulu, March 21, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Education to whom was referred Senate Concurrent Resolution No. 1, introduced by Senator D. K. Baker, has had the same under due and careful consideration and begs leave to report as follows:

The Resolution seeks to petition Congress to appropriate one-third of the customs receipts collected in the Territory of Hawaii for the use of the Territory for the support and maintenance of its public schools.

The provision of this Resolution, if acted upon favorably by the Congress of the United States will, in a very great measure, relieve the Territory of the grave responsibility of maintaining the high standard now established in the present public school system of Hawaii. Local funds which may be added thereto from time to time, can be used to great advantage for improvement to the system wherever required, etc. The Committee therefore recommends the adoption of the Resolution.

Respectfully submitted,

WM. T. ROBINSON,  
Chairman.

GEO. H. FAIRCHILD,  
DAVID K. BAKER.

Upon motion by Senator Makekau, seconded by Senator Robinson, the Report of the Committee, together with Senate Concurrent Resolution No. 1, were referred to the Judiciary Committee.

Senator Robinson presented a Report (No. 133) from the Committee on Education, recommending the passage of House Bill No. 39, as follows:

SENATE CHAMBER.

Honolulu, March 21, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Education to whom was referred House Bill No. 39 introduced by Hon. E. Walaholo, Representative from the 3rd District, entitled "An Act to Amend Act 65 of the Session Laws of 1909, Relating to Earnings at Certain Industrial Schools," has had the same under due and careful consideration and begs leave to report as follows:

The Bill seeks to amend the present law relating to the subject of earnings at certain industrial schools, in order to include the "Girls' Industrial School."

The provision sought to be made is a very proper amendment, and the Committee therefore recommends the passage of the Bill.

Respectfully submitted,

WM. T. ROBINSON,  
Chairman.

GEO. H. FAIRCHILD,  
DAVID K. BAKER.

Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Report of the Committee was adopted; House Bill No. 39 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Kalama presented a Report (No. 134) from the Committee on Public Lands and Internal Improvements, recommending the passage of Senate Bill No. 53, as follows:

SENATE CHAMBER.

Honolulu, March 21, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Bill No. 53, entitled "An Act Declaring and Designating a Certain Tract of Government Land at Kalama 5, Napoopoo, South Kona, Hawaii, as a Public Park" has had the same under careful consideration and begs leave to report as follows:

The Committee has ascertained that land intended to be set aside for the purposes named in the Bill is suitable and would, if so designated as a public park, be of great benefit to the people.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

S. E. KALAMA,  
Chairman.  
A. S. KALEIOPU,  
GEO. C. HEWITT.

Upon motion by Senator C. Brown, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 53 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Kalama presented a Report (No. 135) from the Committee on Public Lands and Internal Improvements, recommending the passage of Senate Bill No. 54, as follows:

SENATE CHAMBER.

Honolulu, March 21, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Senate Bill No. 54, entitled "An Act Providing the Supervision of Public Parks to various

Counties or City and County, Repealing Sections 772 and 778 of the Revised Laws of Hawaii" has had the same under careful consideration and begs leave to report as follows:

The provisions made in the Bill, will, if enacted into law, transfer the care and control of public parks to the several counties, including the City and County of Honolulu. The Committee is of the opinion that this is a wise provision, and therefore recommends the passage of the bill.

Respectfully submitted,

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
GEO. C. HEWITT.

Upon motion by Senator C. Brown, seconded by Senator Makenau, the Report of the Committee was received and placed on file, and Senate Bill No. 54 was referred to the Judiciary Committee.

Senator Judd presented a Report (No. 136) from the Judiciary Committee, recommending that Senate Bill No. 66 be tabled, and recommending the passage of a substitute Bill (S. B. No. 90), as follows:

#### REPORT ON SENATE BILL NO. 66.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 66, Authorizing the Issuance of Hawaiian Birth Certificates, begs leave to report as follows:

The object sought to be attained by this bill is the issuance by the Secretary of Hawaii of certificates to persons born within the Hawaiian Islands showing such birth, and the date thereof. Act 64 of the Session Laws of 1905, authorized the Secretary of Hawaii to issue such certificates. This Act was amended by Act 79 of the Session Laws of 1907, reducing the fee to be charged for such certificates from \$7.50 to \$2.50. These Acts were repealed by Act 15 of the Session Laws of 1909.

The present bill is drawn along the lines of the former acts covering this matter. The Secretary of Hawaii during his several years of experience under the former acts found several defects therein, which your Committee believes should be remedied in the present bill. Past experience has shown that

it is essential, to properly carry out the object sought to be attained, for the Secretary, and such persons as he may appoint therefor to have the power to subpoena witnesses, compel their attendance, punish for contempts etc. It has also been found that the fee charged under the Act of 1907 is too small. The work requires the services of competent clerks, two at least, one at \$150 per month and one at \$100 per month, and there will be various expenditures necessary for traveling expenses, stationery, printing, etc. The fee it is believed should be \$5.00 which sum it is estimated will reimburse the Territory for the necessary expenses which will be incurred in carrying out the object sought to be attained by this bill. The Secretary of Hawaii has prepared a substitute bill which remedies all the defects pointed out herein, and which covers all the essential points. This bill is attached to this report.

Your Committee is thoroughly in accord with the object sought to be attained by this bill, but since the substitute bill herewith submitted is much more thorough, your Committee recommends that Senate Bill No. 66 be tabled, and that the substitute bill be passed.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

March 21, 1911.

Committee.

Upon motion by Senator Chillingworth, seconded by Senator Kaleiopu, the Report of the Committee was adopted, and Senate Bill No. 66 was tabled.

First Reading of Senate Bill No. 90, entitled "An Act to Provide for the Issuance of Certificates of Hawaiian Birth."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd presented a Report (No. 137) from the Judiciary Committee, recommending the passage of Senate Bill No. 77 with certain amendments, as follows:

#### REPORT ON SENATE BILL NO. 77.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate



Bill No. 77, to provide for the compulsory filing of plans of subdivisions of tracts of land from which are to be sold, by lot number and block number, begs leave to report as follows:

Your Committee recommend the following amendments to this bill:

First. That in line 2 of the title, after the word "sold" there be inserted the words "or leased."

Second. That in Section 3 the words "upon its approval" be stricken out, and that there be inserted in lieu thereof the following words "October 1, 1911."

The bill is amended to take effect upon October 1, 1911. This amendment is made for the reason that it will be impossible for many of the large real estate concerns to make up the proper plans for filing, in order to comply with the provisions of this bill, before that time.

Your Committee are thoroughly in accord with the objects sought to be attained by this bill. At the present time there is no law compelling an owner of land, when subdividing a tract, and selling lots or leasing lots, from the same by lot number and block number, to first file a plan thereof in the office of the Registrar of Conveyances.

Heretofore, in many instances, deeds and leases have been made and recorded, referring to a lot of land by simply a lot number and block number, the plan never having been placed on file or recorded. This leaves the purchaser or lessee of a lot without means of determining the size of his lot or its location, except by a possible reference to a plan, which at one time may have been in the custody of the original owner of the tract.

With the lapse of years it would become more and more difficult to find such a plan, and in most instances impossible, as the original owner, after having sold all of the land would have little or no interest in preserving the plan, and in course of time it would have become lost, mislaid or destroyed.

Such a practice as that outlined above works a hardship in many instances upon the small owner. The bill seeks to remedy this and to provide a means whereby the small owner, and the public generally may be protected as far as can be done.

Your Committee believes this is a wise measure, and recommends that the bill be passed as amended.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

March 21, 1911.

Committee.

Upon motion by Senator Chillingworth, seconded by Senator Hewitt, the Report of the Committee was adopted; Senate Bill No. 77 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 138) from the Judiciary Committee, recommending the passage of House Bill No. 108, as follows:

REPORT ON HOUSE BILL NO. 108.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 108, to provide assistance for discharged prisoners, amending Chapter 110 of the Revised Laws of Hawaii by adding thereto a new section to be known as Section 1614A, begs leave to report as follows:

The object of this bill is to enable a prisoner to leave prison upon his discharge with some degree of self respect, and provides that if the prisoner upon his discharge has not sufficient funds for his present needs, he shall be furnished with a suit of clothes, and the sum of Five Dollars in money. Similar provisions exist in the United States Statutes, the first Act being that of March 3, 1875, Ch. 145, 18 Stat. L. 479, providing for one plain suit of clothes, and \$5 in money, amended by Section 6, Act March 3, 1891, Ch. 529, Stat. L. 839, providing for transportation to residence, clothing not to exceed \$12, and \$5 in money.

Your Committee is in accord with the object sought to be attained by this bill, and recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 21, 1911.

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Report of the Committee was adopted; House Bill No. 108 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 139) from the Judi-

ciary Committee, recommending the passage of a substitute Resolution to House Concurrent Resolution No. 8, as follows:

**REPORT ON HOUSE CONCURRENT RESOLUTION NO. 8.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Concurrent Resolution No. 8, requesting the Honolulu Rapid Transit and Land Company, to move its trolley poles to a safe distance from the line of its tracks, begs leave to report as follows:

After a careful investigation your Committee finds that the trolley poles used by the Honolulu Rapid Transit and Land Company on King Street from Alapai Street to Kalakaua Avenue belong to the Mutual Telephone Company, Limited, and are rented from them. It appears that these poles were in place long before the street car tracks now in use were ever laid on King Street. The construction of the tracks, the placing of the trolley wires, and the location of the trolley poles, distances, etc., were all approved by the then Superintendent of Public Works in 1902. At the time of the placing of the tracks of the Rapid Transit Company, on King Street, the Hawaiian Tramway Company had its tracks in the middle of King Street, and it was necessary to place the tracks of the Rapid Transit Company where they now are in order to enable the cars of the two companies to pass one another. The trolley poles on King Street from Alapai Street to Kalakaua Avenue are on an average of four feet from the edge of the track, on Kalakaua Avenue to the park, a distance of six feet, and in the park a distance of five feet from the outside of the track. The manager of the company stated that the poles in the park will all be moved to a distance of six feet from the edge of the track. The poles which are nearest to the tracks the company has no power to move, as they belong to the Mutual Telephone Company, Limited. Careful measurement on King Street shows that the maximum distance between the poles and the lower step on the widest car is one foot, four and one-half inches, and the minimum distance between the poles and the lower step of such car one foot and one and one-half inches. Where the distance between the pole and the track is six feet the maximum and the minimum will be increased by the addition of one foot and six inches.

Your Committee invites attention to sub-division 8 of Section 838 of the Revised Laws of Hawaii, wherein the Superintendent of Public Works is invested with the power of approv-

ing the manner of supporting wires, namely, poles. The question arises whether, after such approval has been once given, it may be rescinded. In paragraph 9 of the above section the approval must be had of the Superintendent of Public Works as to the repair of the streets, and the Superintendent is specifically given the power to order that repairs be made.

The condition of affairs referred to in the Resolution is dangerous, and particularly along King Street is a menace to the public safety. One person has died from injuries, we are told, received while standing on the side platform of a car by coming in contact with one of the poles in question.

Your Committee considers it inadvisable that the Senate should adopt the Resolution in its present form. The poles are now placed in the sidewalk by the curb. To move them at all, as the Resolution requests, so far as King Street is concerned, the poles must be moved either into the middle of the sidewalk, or to the fence or property line. There are serious objections to either of these locations.

Paragraph 1 of Section 838 states that the location in the street of the railway shall be as directed by the Superintendent of Public Works. It has not been determined, so far as the Committee knows, whether this would authorize the Superintendent to order the tracks on King Street to be moved away from the curb, which apparently would be the best solution of the difficulty.

Another objection to the form of the resolution is that it is phrased as a request by the Legislature to the public service corporation interested. Such a request might be ignored on the ground that the Resolution dealt with matters which under its franchise come not in the province of the Legislature but are under the Superintendent of Public Works.

Believing from its investigation that the situation referred to in the House Resolution is a menace to the safety of the public travelling on the cars in question, and for the reasons above stated your Committee recommends the passage of the resolution attached to this report in place of the Resolution adopted by the House of Representatives which does not commend itself to the judgment of your Committee.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

Committee.

March 21, 1911.

## CONCURRENT RESOLUTION.

Whereas, the Honolulu Rapid Transit and Land Company, in the conduct of its street railway system is operating cars along King Street, from Alapai Street, and from the turn on Kalakaua Avenue to the terminus near Diamond Head, which pass so close to the poles supporting the trolley wires as to be a menace to the safety of passengers standing on the side platforms or steps of such cars, when the cars are crowded and while they are in motion;

Now Therefore be it Resolved by the House of Representatives of the Territory of Hawaii, the Senate concurring, that the Superintendent of Public Works be and he is hereby directed to take such steps as he lawfully may to insure the safety of all the passengers travelling on such cars.

Upon motion by Senator Fairchild, seconded by Senator Judd, the Report of the Committee was adopted, together with the Concurrent Resolution as substituted.

Senator Fairchild presented a Report (No. 140) from the Committee on Ways and Means, recommending the tabling of Senate Bill No. 34, and the passage of a Substitute Bill (S. B. No. 91), as follows:

Honolulu, March 21, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 34, being an amendment to Section 2592 of the Revised Laws of Hawaii as amended and relating to the business of Banking under the Territorial Law, begs leave to report that they have had the same under consideration and report thereon as follows:

The Committee had one public meeting thereon and at which were present or represented the principal Banking Institutions and Trust Companies engaged in business in this City and County. Criticism and objections to the form and powers given by the Bill were made and the final outcome of the meeting so held was that another Bill should be drafted, covering the objects and powers intended by the Bill referred to this Committee. This has been done, but with safeguards in the interest of the public, by the attorney of one of the Trust Companies doing business in this city. This Committee presents herewith the Act so drafted in place of the one referred, and

recommends that it be substituted in its place and be acted upon, and that the one so referred be laid on the table.

Respectfully submitted,

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN,  
E. W. QUINN.

Upon motion by Senator Fairchild, seconded by Senator Judd, the Report of the Committee was adopted, and Senate Bill No. 34 was tabled.

First Reading of Senate Bill No. 91, entitled "An Act to Adjust and Regulate the Powers and Exercise of Powers of Corporations Now or Hereafter Organized Under the Laws of This Territory to Conduct a Banking or Trust Business and all Individuals or Copartnerships Engaged in Conducting Such Business or Any of Them."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd presented a Report (No. 141) from the Judiciary Committee, recommending the passage of Senate Bill No 27 with certain amendments, as follows:

#### REPORT ON SENATE BILL NO. 27.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 27, An Act to Appropriate \$15,000.00 for the Purchase of Private Lands in North Kona and South Kona, Island of Hawaii, for Homestead Purposes, and to Define the Area of Such Homesteads, begs leave to report as follows:

Your Committee recommend the following amendments to this bill:

First, that the words "and price" be inserted in line 3 of the title of the bill, after the word "area."

Second, that the first eight lines of said bill, and the first two words in line 9 be stricken out, beginning with the word "WHEREAS" in line 1, and ending with the word "THEREFORE" in line 9, so that after the title, the bill shall begin "Be it enacted" etc.

Third, that the word "appropriated" in line 2 of Section 1

be stricken out, and the word "appropriated" inserted in lieu thereof.

Fourth, that in line 7 of Section 1 the word "sutable" be stricken out, and in lieu thereof there be inserted the word "suitable."

Fifth, that in line 3 of Section 1, after the word "DOLLARS," there be inserted the following words "or so much thereof as may be necessary."

Sixth, that in line 8 of Section 1, after the word "purposes" there be inserted the following words "as hereinafter set forth."

Seventh, that all of Section 2 be stricken out, after the words "Section 2," and that there be inserted in lieu thereof the following:

"That any land so purchased shall be laid out and sold for cash to citizens of the Territory, preference, if any, to be determined by lot, at such prices per lot as will in the aggregate return into the Territorial Treasury the sum hereby appropriated."

Your Committee desires to direct attention to the fact that it has been determined by the law officers of the Federal Government that land purchased with Territorial funds does not become a part of the public domain on which the land laws of Hawaii would apply. The bill has therefore been amended so that the object sought to be attained can be lawfully carried out. The above amendment will also eventually bring back to the Territory all the sums used for the purpose of settling citizens of the Territory on the lands in question.

Your Committee finds that a large part of the public domain in the District of Kona is not suitable for homesteading, it being either dry lava wastes in North Kona, or in South Kona high and unsuited to small holdings.

Your Committee is in accord with the object sought to be attained by this bill, and with the above amendments it is believed that the bill is in proper form. Your Committee therefore recommend the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

March 21, 1911.

Committee.

Upon motion by Senator Fairchild, seconded by Senator

Judd, the Report of the Committee was adopted; Senate Bill No. 27 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 142) from the Judiciary Committee, recommending the passage of Senate Bills Nos. 3 and 14, as follows:

**REPORT ON SENATE BILLS NOS. 3 AND 14.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 3, to Repeal Chapter 73 of the Revised Laws of Hawaii, Relating to Building and Moving Permits, and Senate Bill No. 14, to Repeal Chapter 74 of the Revised Laws of Hawaii, Relating to Fire Limits, begs leave to report as follows:

Your Committee recommends the following amendments to these bills:

That Section 2 of each bill be amended so as to read as follows:

"Section 2. This Act shall take effect on July 1, 1911."

Senate Bill No. 3 suggests a larger question than is involved in that bill alone, namely, the transfer to the counties of all the functions covered by Title X, including Chapters 71 to 77, both inclusive, of the Revised Laws of Hawaii, and subsequent Acts amendatory thereof, relating to fire departments, fireproof buildings and explosives, by repealing these chapters and amending the county and municipal acts so as to give the several Boards of Supervisors the requisite powers to regulate these matters.

Your Committee therefore recommend that Senate Bill No. 3, repealing Chapter 73 of the Revised Laws of Hawaii, relating to building and moving permits, be passed; that Senate Bill No. 14, repealing Chapter 74 of the Revised Laws of Hawaii, Relating to Fire Limits, be passed.

The other chapters in Title X of the Revised Laws of Hawaii all deal with matters of local concern which could appropriately be transferred to the counties and City and County. Your Committee have therefore caused to be prepared four bills, as follows:

An Act to Repeal Chapters 71 and 72 of the Revised Laws of Hawaii, Relating to Fire Departments.

An Act to Repeal Chapters 75, 76 and 77 of the Revised Laws of Hawaii, and Act 132 of the Session Laws of 1907, Relating to Explosives and Inflammable and Fuel Oils.

An Act to Amend Section 62 of Act 39 of the Session Laws



of Hawaii, of 1905, Relating to the Powers and Duties of County Supervisors.

An Act to Amend Section 23 of Act 118 of the Session Laws of 1907, Relating to the Powers and Duties of the Supervisors of the City and County of Honolulu.

Your Committee is of the opinion that the repealing acts should take effect at the beginning of the next biennial period, namely, July 1, 1911, and the acts giving the Supervisors authority over these matters should take effect at once, so that the requisite ordinances may be passed by the time the repealing acts take effect.

In the bill drafted relating to the powers of the City and County Supervisors there is a provision relating to the creation and maintenance of Fire Departments. This power has already been given to the County Supervisors by Act 53 of the Session Laws of 1905, as amended by Act 10 of the Session Laws of 1907, and therefore in the drafted bill relating to the powers of County Supervisors this provision is omitted.

Your Committee, in view of the foregoing, recommend that Senate Bills Nos. 3 and 14 be passed as amended; that the four additional bills attached to this report and hereinbefore referred to and described, also be passed.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

March 21, 1911.

Committee.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Report of the Committee was adopted; Senate Bills Nos. 3 and 14 passed Second Reading as amended and were placed on the Order of the Day for tomorrow for Third Reading.

Under suspension of the Rules, the Judiciary Committee introduced Senate Bill No. 92 of which they had previously given notice, entitled, "An Act to Repeal Chapters 71 and 72 of the Revised Laws of Hawaii, Relating to Fire Departments."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, the Judiciary Committee introduced Senate Bill No. 93, entitled "An Act to Repeal Chap-

ters 75, 76 and 77 of the Revised Laws and Act 132 of the Laws of 1907, Relating to Explosives and Inflammable Fuel Oils."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, the Judiciary Committee introduced Senate Bill No. 94, entitled "An Act to Amend Section 23 of Act 118 of the Laws of 1907, Relating to Powers and Duties of the Supervisors of the City and County of Honolulu."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, the Judiciary Committee introduced Senate Bill No. 95, entitled "An Act to Amend Section 62 of Act 39 of the Laws of 1905, Relating to the Powers and Duties of County Supervisors."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Chillingworth presented a Report (No. 143) from the Committee on Public Health, on Senate Bill No. 19, as follows:

Honolulu, Hawaii, March 31, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health to whom was referred Senate Bill No. 19, entitled "An Act to Provide a Separate Government Physician to Each of the Districts of North and South Kona, in the County of Hawaii, and to Regulate the Pay Thereof," has had the same under careful consideration, and recommends that the same be laid on the table to be taken up for consideration with the Appropriation Bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

ALBERT F. JUDD,  
PHILIP PALI.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Report of the Committee was adopted.

Senator Chillingworth presented a Report (No. 144) from the Committee on Public Health, recommending the passage of House Bill No. 88, as follows:

Honolulu, Hawaii, March 21, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Honolulu.

Sir:—

Your Committee on Health begs leave to report on House Bill No. 88 as follows:

After careful consideration of the bill we find that it will absolutely do away with another source of danger to the public health, to-wit: the taking of fish from the harbor with nets, etc., for the purposes of sale, which we believe, as stated above, to be dangerous and a menace in view of the fact that vessels from the Orient and Occident come into the Port of Honolulu and leave their share of filth and probable infected matter.

Further we find that fishing with nets, etc., in the harbor has been hampering the progress of navigation and has caused a good deal of annoyance to masters of vessels coming in and out of the Port of Honolulu, and therefore recommend the passage of the bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

ALBERT F. JUDD,  
PHILIP PALI.

Upon motion by Senator Chillingworth, seconded by Senator Robinson, the Report of the Committee was adopted; House Bill No. 88 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild gave notice of his intention to introduce a Bill entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the Thirtieth Day of June, A. D. 1909."

Under suspension of the rules, Senator Fairchild introduced Senate Bill No. 96, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the Thirtieth Day of June, A. D. 1909."

The Bill passed First Reading by Title and was referred to the Printing Committee.

A Communication (No. 98) from the House of Representatives, transmitting House Bill No. 145, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 145, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 145, entitled "An Act Making Special Appropriations to Pay Certain Claims Against the Territory of Hawaii."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 99) from the House of Representatives, transmitting House Bill No. 150, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 150,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 150, entitled "An Act Relating to Adulterated Foods and Drugs, Amending Sections 1041 and 1043 of the Revised Laws and Adding a New Section to be Known as Section 1042A."

The Bill passed First Reading by Title and was referred to the Committee on Public Health.

A Communication (No. 100) from the House of Representatives, transmitting House Bill No. 161, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 20, 1911. ●

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 161, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 161, entitled "An Act Making Appropriations for the Benefit of Queen Liliuokalani."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

Pursuant to Senate Resolution No. 20, the Chair appointed Senator Hewitt, Chairman, and Senators Kaleiopu and Pali,

Members of the Committee on Manufacture, Forestry and Promotion.

At 11:59 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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THIRTIETH DAY.

Wednesday, March 22, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Baker absent.

The Journal of the Twentyninth Day was read and approved.

A Communication (No. 101) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 89, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 89 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 102) from the House of Representatives, transmitting House Concurrent Resolution No. 11, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 11, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

**HOUSE CONCURRENT RESOLUTION NO. 11.**

WHEREAS, at this time, as in the past, the agricultural development of Hawaii is retarded in proportion to the injury to growing plants by insect pests; and

WHEREAS, the Territory, as well as private enterprise, has demonstrated that there is a remedy for practically every plant pest; and

WHEREAS, it is of supreme importance to the Territory that a number of smaller agricultural interests, such as are now being developed, should be assisted in every possible manner; and

WHEREAS, a number of these industries are seriously threatened with destruction by insect pests; Therefore,

BE IT RESOLVED by the House of Representatives of the Sixth Legislature of the Territory of Hawaii, the Senate concurring, that out of any and all funds received by the Board of Commissioners of Agriculture and Forestry for any and all purposes during the coming biennial period, the sum of Fifteen Thousand Dollars (\$15,000.00) be and is hereby specifically segregated and set aside for the purpose of searching for and introducing into this Territory parasite enemies to the

following pests: Cotton Boll-Worm, the Melon Fly, Alligator Pear Mealy Bug, Mediterranean Fruit Fly, Corn Leaf Hopper, and Japanese Beetle.

AND BE IT FURTHER RESOLVED, that the Report under the heading "Report on Various Insect Pests" be made a part of this Resolution.

#### REPORT ON VARIOUS INSECT PESTS.

(1) Cotton Boll-Worm. This pest, after the first year of the growth of the cotton, destroys one-third of the crop, and depreciates, by discoloring, up to twenty-five per cent, the value of what remains.

(2) The Melon Fly—which preys upon cucumbers, melons, squash, pumpkins, tomatoes and beans, making the cultivation of some of these impossible, and practically all of them unprofitable.

(3) Alligator Pear Mealy Bug. This pest has on the several islands done enormous damage. For instance, in the year 1909, one concern in Honolulu exported to California twelve hundred dozen pears. It was the intention of this firm to send the following year (1910) not less than three thousand (3000) dozen pears to the Pacific Coast of the mainland, but there were only gathered on account of the ravages of the pest, in the neighborhood of nine hundred (900) dozen.

(4) The Mediterranean Fruit Fly. This pest attacks various fruits, and its ravages are at present confined to the Island of Oahu only, but there is every probability that it will reach the other islands and destroy entirely the citrus fruit crop of the Territory.

(5) Corn Leaf Hopper. The protection of corn here means a great deal to the stock raisers, but, with the presence of this pest, the growing of corn for fodder purposes must very soon cease.

(6) The Japanese Beetle. A fungus has already been introduced for the destruction of this insect, but does its work only in the very damp sections of the Islands, and prevents the growth of vegetables and roses on the lands of most of the group.

Your Committee has spent considerable time in consultation with entomologists of the United States Agricultural Experiment Station and of the Territorial Experiment Station, and from these officials and from private citizens acquainted with plant life and entomology, learns that the parasite for each one of these pests exists in India. For instance, the parasite for the cotton boll-worm has been brought from India and has saved the cotton industry of Australia, which was threatened with destruction.



This is also true of the parasite for the Mediterranean fruit fly.

In the Philippine Islands a parasite for the alligator pear mealy bug has been brought from India and used successfully.

We are advised that the enemies of all these pests can be secured promptly, and that their use will be of vast benefit to the agricultural interests of Hawaii, and will encourage the cultivation of large areas of land throughout the group that are now idle, particularly with relation to cotton, alligator pears, oranges, lemons, limes and vegetables.

#### AGRICULTURE COMMITTEE.

March 18, 1911.

The Communication was received and placed on file, and upon motion by Senator Kaleiipu, seconded by Senator Fairchild, House Concurrent Resolution No. 11 was adopted.

A Communication (No. 103) from the House of Representatives, transmitting House Concurrent Resolution No. 12, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 12, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

#### HOUSE CONCURRENT RESOLUTION NO. 12.

BE IT RESOLVED by the House of Representatives of the Sixth Legislature of the Territory of Hawaii, the Senate concurring, that the authorities of the U. S. Experiment Station be and they are hereby requested to publish, at the earliest date possible, the following bulletins:

In the Hawaiian language—on taro; its cultivation; cause or causes of disease if any exist, and treatment for same.

In the Hawaiian and Portuguese languages—on bananas; their cultivation; cause or causes of disease if any exist, and treatment for same.

In the Portuguese language—on grapes, their cultivation; cause or causes of disease if any exist, and treatment for same.

In such bulletins there shall be avoided to the fullest extent possible, botanical terms or words, scientific or technical terms or words, and it shall be made plain to readers the manner in which they can avoid as well as cure the diseases damaging taro, bananas and grapes, and the fact that verbal or written advice on these and kindred subjects may be secured at the U. S. Experiment Station.

#### AGRICULTURE COMMITTEE.

March 18, 1911.

The Communication was received and placed on file, and upon motion by Senator Fairchild, seconded by Senator Pali, House Concurrent Resolution No. 12 was referred to the Committee on Ways and Means.

A Communication (No. 20) from David Ewaliko, President, American Citizen Labor Union, was read by the Clerk as follows:

Hilo, Hawaii, March 20, 1911.

To the Hon. President of the Senate,  
Senate Chamber, Territory of Hawaii.

Sir:—

I have the honor to transmit you herewith resolution which was adopted by the Labor Union relative to the proposed street railway franchise for Hilo. You will note in this resolution the general feeling of the public.

Hoping that your Honorable Body will do all in its power to incorporate such amendments to safeguard the public of Hilo.

Wishing your Body success.

Me ke aloha nui,

DAVID EWALIKO,  
President, American Citizen Labor Union.

#### RESOLUTION.

BE IT RESOLVED by the American Citizen Labor Union

that the Legislature of the Territory of Hawaii be and it is hereby respectfully requested to incorporate the following provisions in such franchise as it may see fit to grant for the establishment of a rapid transit system in Hilo, County and Territory of Hawaii:

FIRST. That the party or parties to whom such franchise is granted be required to furnish a bond to the Territory of Hawaii in the sum of Ten Thousand Dollars to guarantee the commencement of work within the period specified in said franchise;

SECOND. That the rate of fare for a continuous ride any where between the farthest points to which the railway may be constructed shall not exceed Five Cents with a universal transfer privilege, and that children under eighteen years of age in going to and from school shall be required to pay one-half fares;

THIRD. Said railway shall be constructed by citizen labor when such labor is available, and that all operators on the cars or other vehicles of said railway shall be citizens of the United States.

(Signed) JOHN BOHNENBERG.

I hereby certify that the foregoing resolution is a true copy of the original, which was adopted at the Labor Meeting, held Mar. 15, 1911.

DAVID EWALIKO,  
President, American Citizen Labor Union.

The Communication was received and placed on file, and the Resolution was laid on the table to be taken up for consideration with Senate Bill No. 39.

Senator C. Brown introduced Senate Bill No. 97, entitled "An Act to Authorize the Appointment of a Bank Examiner, to Define His Tenure of Office and the Duties to be Performed by Him, and to Provide for His Compensation."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Makekau gave notice of his intention to introduce a Bill entitled "An Act to Amend Act 122 of the Session Laws of 1909, Relating to the Salary of the District Magistrate of Puna."

Under suspension of the rules, Senator Makekau introduced Senate Bill No. 98, entitled "An Act to Amend Act 122 of the Session Laws of 1909, Relating to the Salary of the District Magistrate of Puna."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd gave notice of his intention to introduce a Bill entitled "An Act to Authorize the Reduction of Capital Stock of Corporations, and Joint Stock Companies."

Under suspension of the rules, Senator Judd introduced Senate Bill No. 99, entitled "An Act to Authorize the Reduction of Capital Stock of Corporations, and Joint Stock Companies."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 3, entitled "An Act to Repeal Chapter 73 of the Revised Laws of Hawaii, Relating to Building and Moving Permits."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Chillingworth.

Third Reading of Senate Bill No. 14, entitled "An Act to Repeal Chapter 74 of the Revised Laws of Hawaii, Relating to Fire Limits."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Chillingworth.

Third Reading of Senate Bill No. 27, entitled "An Act to Appropriate Fifteen Thousand (\$15,000.00) Dollars for the Purchase of Private Lands in North Kona and South Kona, Island of Hawaii, for Homestead Purposes, and to Determine the Price of Such Homesteads."

Upon motion by Senator Hewitt, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Judd,

Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Chillingworth.

Third Reading of Senate Bill No. 53, entitled "An Act Declaring and Designating a Certain Tract of Government Land at Kalama 5, Napoopoo, South Kona, Hawaii, as a Public Park."

Upon motion by Senator Hewitt, seconded by Senator Robinson, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Baker, Chillingworth, and Fairchild.

Third Reading of Senate Bill No. 55, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905, Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909, Relative to a Tax on Incomes for Immigration Purposes."

Upon motion by Senator C. Brown, seconded by Senator Judd, consideration of the Bill on Third Reading was deferred until Friday, March 24th, 1911.

Third Reading of Senate Bill No. 77, entitled "An Act to Provide for the Compulsory Filing of Plans of Sub-divisions of Tracts of Land From Which Lots Are to be Sold, by Lot Number and Block Number."

Upon motion by Senator Kaleiopu, seconded by Senator Judd, consideration of the Bill on Third Reading was deferred until Friday, March 24th, 1911.

Third Reading of House Bill No. 39, entitled "An Act to Amend Act 65 of the Session Laws of 1909, Relating to Earnings of Certain Industrial Schools."

Upon motion by Senator Pali, seconded by Senator Makekau, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Chillingworth.

Third Reading of House Bill No. 88, entitled "An Act to Prohibit the Taking of Fish with Nets in the Waters of the Harbor of Honolulu."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Chillingworth.

Third Reading of House Bill No. 108, entitled "An Act to Provide Assistance for Discharged Prisoners, Amending Chapter 110 of the Revised Laws of Hawaii, by Adding Thereto a New Section to be Known as Section 1614A."

Senator Pali moved to defer consideration of the Bill until Friday, March 31st, 1911; seconded by Senator Makekau, and lost.

Senator Makekau moved to defer consideration of the Bill until Friday, March 24th, 1911; seconded by Senator Hewitt, and lost.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed the Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Judd, Kaleiopu, Makekau, Quinn and President Knudsen. Total, 8.

Noes: Senators Hewitt, Kalama, Pali, and Robinson. Total, 4.

Absent and not voting: Senators Baker and Chillingworth.

Second Reading of House Bill No. 32, entitled "An Act to Provide for the Registration of Voters."

Upon motion by Senator C. Brown, seconded by Senator J. T. Brown, the Report of the Judiciary Committee (Report No. 115) was adopted; the Bill passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Upon motion by Senator Kaleiopu, seconded by Senator Hewitt, Senate Bill No. 77, which had been deferred until Friday, March 24th, 1911, was taken up for Third Reading.

Third Reading of Senate Bill No. 77, entitled "An Act to

Provide for the Compulsory Filing of Plans of Sub-divisions of Tracts of Land From Which Lots Are to be Sold, by Lot Number and Block Number."

Upon motion by Senator Kaleiopu, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes : Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Senator Judd presented a Report (No. 145) from the Judiciary Committee, recommending the passage of Senate Bill No. 39 with certain amendments, as follows:

#### REPORT ON SENATE BILL NO. 39.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 39, Granting a Franchise for the Construction, Maintenance and Operation of a Street Railway System in the District of South Hilo, County of Hawaii, begs leave to report as follows:

As indicated by the title, the object sought to be attained by the bill is the granting of a franchise for a street railway system in Hilo, County of Hawaii. After full hearings, thorough consideration and discussion of the form of the bill, and a thorough consideration of the object sought to be attained, your Committee have considered it advisable that a number of amendments be made in the form of the bill, and to properly safeguard the interests of the public. These amendments have all been incorporated in the bill and the bill printed as amended. The bill is believed now to be in proper form, the interests of the public properly safeguarded, and your Committee is further of the opinion that the bill as now printed will accomplish the purposes desired in proper form.

Your Committee recommend the passage of this bill as amended and printed. Your Committee submits with this report the printed amended bill.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 22, 1911.

Upon motion by Senator Makekau, seconded by Senator Robinson, the Report of the Committee was adopted; Senate Bill No. 39 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 146) from the Judiciary Committee, recommending that House Bill No. 116 be tabled, as follows:

REPORT ON HOUSE BILL NO. 116.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 116, To Amend Section 1831 of Chapter 120 of the Revised Laws of Hawaii, Relating to Exemption of Personal Property from Attachment, Execution, Distress and Forced Sale, begs leave to report as follows:

The object sought to be attained by this bill is to add to the list of exempted property a motorcycle and an automobile.

Your Committee, after careful consideration and investigation, is of the opinion that the exemption in favor of a chauffeur, physician, surgeon or minister of the gospel, owning an automobile or motorcycle is excessive as compared with the exemption given to other classes of persons.

Your Committee therefore recommend that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE.

CECIL BROWN,  
R. H. MAKEKAU.

I do not concur:

ALBERT F. JUDD.

March 22, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 147), stating that Senate Bills Nos. 90, 91 and 92 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 90, entitled "An Act to Provide for the Issuance of Certificates of Hawaiian Birth."



Under suspension of the rules, the Bill was read throughout. Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 91, entitled "An Act to Adjust and Regulate the Powers and Exercise of Powers of Corporations Now or Hereafter Organized Under the Laws of This Territory to Conduct a Banking or Trust Business and of Individuals or Copartnerships Engaged in Conducting Such Businesses or Any One of Them."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 92, entitled "An Act to Repeal Chapters 71 and 72 of the Revised Laws, Relating to Fire Departments."

Under suspension of the rules, the Bill was read throughout. Upon motion by Senator C. Brown, seconded by Senator Kalei-opu, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

At 12:16 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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### THIRTY-FIRST DAY.

Thursday, March 23, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Baker absent.

The Journal of the Thirtieth Day was read and approved.

A Communication (No. 104) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Concurrent Resolution No. 8, was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Concurrent Resolution No. 8 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
A Communication (No. 105) from the House of Representatives, transmitting House Bill No. 100, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 100, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
First Reading of House Bill No. 100, entitled "An Act to Encourage Diversified Industries."

The Bill passed First Reading by Title and was referred to the Committee on Manufactures, Forestry and Promotion.

By unanimous consent of the Senate, Senator Judd at this juncture presented a Petition (No. 6) from the Hawaiian Trust Company, Limited, relating to the Pauoa water-rights, as follows:

March 17, 1911.

To Marston Campbell, Esq.,  
Superintendent of Public Works,  
Territory of Hawaii.

Dear Sir:—

The undersigned, HAWAIIAN TRUST COMPANY, LIMITED, Administrator with the Will Annexed of the Estate of Charles W. Booth, Deceased, respectfully represents:

That among the assets of said Estate are valuable water rights and waters arising in Pauoa Valley above the City of Honolulu, which the Administrator proposes to sell, considering the same one of the most salable assets of the Estate; it being necessary, in order to pay the debts of said Estate, that some of the property belonging thereto shall be realized upon in the near future. The water supply in question is recognized to be very pure and easily available for use in the City of Honolulu.

The Administrator desires to realize only the cash market value of these water rights and believes that the inhabitants of the City of Honolulu believe very generally that the waters in question should be acquired for city use.

It need hardly be pointed out to you that those assets of the Estate in question which can be converted into cash promptly must be selected for sale, and it will therefore be out of the question for the Administrator to select the water rights in question for sale unless the Government is prepared to pay promptly therefor, and this would require an appropriation from this Legislature to pay for the condemnation or acquisition by the Government of the waters in question. Therefore, to the end that there may be a speedy and satisfactory adjustment of the matter, the Administrator respectfully requests that you formally approve and otherwise promote the insertion of an item in the appropriation bill to cover the acquisition of the water rights in question during the coming biennial period.

We are enclosing a copy of this letter in a petition addressed

to the Legislature of the Territory of Hawaii, requesting that it take action along the lines suggested herein.

Yours respectfully,

HAWAIIAN TRUST COMPANY, LIMITED,

By its Manager and Treasurer,

J. R. GALT.

KINNEY, BALLOU, PROSSER & ANDERSON,

Attorneys for Petitioner, and the Estate of

Charles W. Booth, Deceased.

PETITION OF THE HAWAIIAN TRUST COMPANY,  
LIMITED.

To the Legislature of the Territory of Hawaii:

The undersigned, HAWAIIAN TRUST COMPANY, LIMITED, enclose herewith a letter from it to MARSTON CAMPBELL, ESQ., Superintendent of Public Works, which is self-explanatory.

To forward and promote the accomplishment of the request contained in said letter, the undersigned respectfully petitions that the Legislature take favorable action upon the same, and insert in the appropriation bill an item to cover the acquisition of the waters in question as soon as practicable.

And your petitioner will ever pray, etc.

HAWAIIAN TRUST COMPANY, LIMITED,

By its Manager and Treasurer,

J. R. GALT.

KINNEY, BALLOU, PROSSER & ANDERSON,

Attorneys for Petitioner, and the Estate of

Charles W. Booth, Deceased.

The Petition was referred to a Select Committee consisting of the Senators from Oahu.

Senator C. Brown gave notice of his intention to introduce a Bill entitled "An Act to Repeal Section 30 of Act 68 of the Session Laws of 1905, Being an Act Defining Fiduciary Companies and Regulating the Same, by Requiring Financial Statements Therefrom."

Under suspension of the rules, Senator C. Brown introduced

Senate Bill No. 100, entitled "An Act to Repeal Section 30 of Act 68 of the Session Laws of 1905, Being an Act Defining Fiduciary Companies and Regulating the Same, by Requiring Financial Statements Therefrom."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator J. T. Brown presented a Report (No. 148) from the Printing Committee, stating that Senate Bills Nos. 93, 94, 95 and 96 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 93, entitled "An Act to Repeal Chapters 75, 76 and 77 of the Revised Laws, and Act 132 of the Laws of 1907, Relating to Explosives and Inflammable and Fuel Oils."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Second Reading and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 94, entitled "An Act to Amend Section 23 of Act 118 of the Laws of 1907, Relating to the Powers and Duties of the Supervisors of the City and County of Honolulu."

Upon motion by Senator Kaleiupu, seconded by Senator J. T. Brown, the Bill passed Second Reading and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 95, entitled "An Act to Amend Section 62 of Act 39 of the Laws of 1905, Relating to the Powers and Duties of County Supervisors."

Upon motion by Senator Hewitt, seconded by Senator Judd, consideration of the Bill on Second Reading was deferred until Friday, March 24, 1911.

Second Reading of Senate Bill No. 96, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii Incurred Prior to the Thirtieth Day of June, A. D. 1909."

Referred to the Committee on Ways and Means.

Third Reading of Senate Bill No. 39, entitled "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Street Railway System in the District of South Hilo, County of Hawaii."

Upon motion by Senator Makekau, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of Senate Bill No. 90, entitled "An Act to Provide for the Issuance of Certificates of Hawaiian Birth."

Upon motion by Senator Makekau, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of Senate Bill No. 92, entitled "An Act to Repeal Chapters 71 and 72 of the Revised Laws, Relating to Fire Departments."

Upon motion by Senator Pali, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of House Bill No. 32, entitled "An Act to Provide for the Registration of Voters."

Upon motion by Senator Hewitt, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of House Bill No. 116, entitled "An Act to Amend Section 1831 of Chapter 120 of the Revised Laws of Hawaii, Relating to Exemption of Personal Property from Attachment, Execution, Distress and Forced Sale."

Upon motion by Senator Makekau, seconded by Senator Robinson, the Bill was amended by inserting the word "two" in-

stead of the word "one" after the word "horse" in line 7 of Section 1.

Upon motion by Senator Judd, seconded by Senator Makekau, the Bill passed Third Reading as amended, on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Upon motion by Senator Judd, seconded by Senator Hewitt, Senate Bill No. 95, which had been deferred for consideration until March 24th, 1911, was brought up for consideration on Second Reading.

Second Reading of Senate Bill No. 95, entitled "An Act to Amend Section 62 of Act 39 of the Laws of 1905, Relating to the Powers and Duties of County Supervisors."

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 149) from the Printing Committee, stating that Senate Bill No. 97 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 97, entitled "An Act to Authorize the Appointment of a Bank Examiner, to Define His Tenure of Office and the Duties to be Performed by Him, and to Provide for His Compensation."

Referred to the Committee on Ways and Means.

Senator Judd presented a Report (No. 150) from the Judiciary Committee, recommending the passage of Senate Bill No. 54 with certain amendments, as follows:

#### REPORT ON SENATE BILL NO. 54.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 54, Providing the Supervision of Public Parks to Various Counties or City and County, Repealing Sections 772 and 778 of the Revised Laws of Hawaii, begs leave to report as follows:

The object sought to be attained by this bill is to turn the

care and maintenance of public parks over to the county or city and county in which the same may be located.

After careful consideration this Committee is of the opinion that the form of the bill should be changed, and therefore recommend the following amendments:

First, that all of the title of this bill be stricken out after the words "AN ACT" and that there be inserted in lieu thereof the following:

**"TO PROVIDE FOR THE MAINTENANCE OF PUBLIC PARKS, REPEALING SECTIONS 772 AND 778, AND AMENDING SECTION 774 OF THE REVISED LAWS OF HAWAII."**

Second, that all of Section 1, after the words "Section 1" be stricken out, and that in lieu thereof there be inserted the following:

**"That all public parks and public recreation grounds in this Territory, other than Kapiolani Park, or any National Park, are hereby transferred to and placed in charge of the Boards of Supervisors of the County or City and County in which the same may be located, to be maintained by them. All lands hereafter set apart for such purposes shall likewise be placed in charge of and maintained by the several Boards of Supervisors."**

Third, that all of Section 3, after the words "Section 3" be stricken out, and that there be inserted in lieu thereof the following:

**"That Section 774 of the Revised Laws of Hawaii is hereby amended so as to read as follows:**

**" 'Section 774. May be held as a park. All or any part of said land and water that may be acquired as aforesaid and such government land as may be included within the said limits, that may not be required by the Territory for other public purposes, may with the approval of the governor be set apart by the superintendent of public works as a public park.' "**

With these amendments it is believed that the bill is in proper form. The amendment of Section 774 of the Revised Laws has been added since under that section as it now stands on our statute books, certain lands and water are provided to be held by the superintendent of public works, and it is thought advisable by this Committee to turn the entire matter of public parks over to the counties and city and county.



Your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 22, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted; Senate Bill No. 54 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 151) from the Judiciary Committee, recommending the passage of Senate Bill No. 81 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 81.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 81, Providing for the Seizure and Forfeiture of Moneys or Property Offered for Sale or Distribution in Violation of Any of the Provisions of Sections 3172-3182 of the Revised Laws of Hawaii and Repealing Section 3180 Thereof, begs leave to report as follows:

The objects sought to be attained by this bill are two; first, to turn over to the counties and city and county, instead of to the Territory as at present, all moneys or other personal property seized for violations of the laws against gambling, and second, to declare a rule of evidence.

Your Committee is thoroughly in accord with these objects, believing the bill to be in line with the policy of divorcing the counties and city and county from the Territorial Government.

Your Committee is of the opinion that the bill in its present form will not accomplish the objects desired, and therefore recommends the following amendments to this bill:

First: That all of the title of the bill be stricken out after the words "AN ACT" and that there be inserted in lieu thereof the following:

**"TO AMEND CHAPTER 217 OF THE REVISED LAWS OF HAWAII, RELATING TO GAMBLING, AND ADDING A NEW SECTION THERETO TO BE KNOWN AS SECTION 3180A."**

Second: That all of Section 1 be stricken out after the words "Section 1," and that there be inserted in lieu thereof the following:

**"Section 3180 of Chapter 217, of the Revised Laws of Hawaii, relating to gambling is hereby amended so as to read as follows:**

**"'Section 3180. FORFEITURE OF PROPERTY. All moneys or other personal property offered for sale or distribution, or used, in violation of any of the provisions of Sections 3172-3182 of the Revised Laws of Hawaii, are forfeited to the County or City and County, as the case may be, in which the offense is committed, and may be recovered by information filed or by action brought by the County Attorney or City and County Attorney, as the case may be, or his deputy.'"**

Third: That all of Section 2 be stricken out after the words "Section 2" and that there be inserted in lieu thereof the following:

**"Chapter 217 of the Revised Laws of Hawaii, relating to gambling is hereby amended by adding thereto the following section:**

**"'Section 3180A. SEIZURE OF PROPERTY. EVIDENCE. All moneys or other personal property offered for sale or distribution, or used, in violation of any of the provisions of Sections 3172-3182 of the Revised Laws of Hawaii, shall be subject to seizure by the police officer or officers making arrests of offenders under this Chapter, and may be used as evidence on the trial of such offenders.'"**

Section 2 of the bill as amended is declaratory of a rule of evidence which has obtained in this jurisdiction and which the Supreme Court of Hawaii has in repeated decisions held to be a proper rule.

The amendments which are recommended have been submitted to the law officers of the City and County and of the Territory and receive their approval as to form.

Your Committee is of the opinion that this bill is a wise measure, and with the amendments recommended will accomplish the objects desired.

For the reasons above stated your Committee recommend the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 23, 1911.

Upon motion by Senator C. Brown, seconded by Senator Makekau, the Report of the Committee was adopted; Senate Bill No. 81 passed Second Reading as amended and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 152) from the Judiciary Committee, recommending the passage of Senate Bill No. 85 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 85.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 85, An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing Water for Irrigation and Other Purposes, and for the Reclamation of Arid and Semi-Arid Lands in the Territory of Hawaii, begs leave to report as follows:

The object sought to be attained by the bill is to give to irrigation companies the same rights of eminent domain for rights of way as railroad companies have, and your Committee is thoroughly in accord with this object, believing that irrigation companies, from the nature of the work undertaken by them, their development of the country and the public benefit expected to flow from them are entitled to such rights. The bill also gives to ditch companies what they should have, namely, the power to acquire property for sites for reservoirs and the necessary land for the placing of pumps and buildings. The other rights given to the irrigation companies by the bill are rights of easement which naturally will enure to the companies so long as they are used, and in that aspect are not permanent rights of property which may be acquired by the ditch companies under the provisions of this bill.



Your Committee, however, believe that the bill should be changed as to form, and therefore recommends the following amendments:

First, that the title of the bill should be amended by striking out the words "AND OTHER PURPOSES" in line 4 of the title, after the word "IRRIGATION."

Second, that Section 2 of the bill be amended by striking out all of such section after the words "Section 2" and inserting in lieu thereof the following:

"Such corporations shall have the right to condemn lands and property for sites for reservoirs, pumps and buildings, and to condemn rights of way over lands and property for ditches, tunnels, flumes and pipe lines necessary or proper for the construction and maintenance of a system and works for developing, storing, conveying, distributing and transmitting water for irrigation and for the reclamation of arid and semi-arid lands."

Third, that Section 3 of this bill be amended by striking out the word "proceedings" in line 2, and inserting in lieu thereof the word "procedure."

The object of the amendment of section 2 of the bill is to meet objections made to the bill before the Committee that the bill in its original form is too indefinite and if allowed to stand in that form might have a much wider application than is apparent on its face, and that bills of this character should be specific in their nature.

With the amendment to Section 3 of the bill the procedure for condemning lands will be the same as is provided in the case of railroad companies exercising the same rights as are given to ditch companies under this bill.

For the reasons above given your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 23, 1911.

Senator Judd moved to amend the Bill by striking out the words "and other purposes" in Section 1; seconded by Senator Chillingworth, and carried.

Upon motion by Senator C. Brown, seconded by Senator

Judd, the Report of the Committee was adopted; Senate Bill No. 85 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Robinson presented a Report (No. 153) from the Committee on Education, recommending the passage of Senate Bill No. 18 with certain amendments, as follows:

SENATE CHAMBER.

Honolulu, T. H., March 23, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Education to whom was referred Senate Bill No. 18, entitled "An Act to Provide for the Maintenance of the Public Schools" has had the same under due and careful consideration and begs leave to report as follows:

The Bill is the result of the arduous labors of the School Fund Commission appointed under and by virtue of Resolution No. 6 of the Session Laws of 1909. The Commission took the matter up and diligently studied the various plans suggested and finally came to the proposed solution as embodied in the Bill.

Pursuant to invitation of your Committee, representative men and women, business and professional men, including the members of the School Fund Commission, attended the public hearing before this Committee, held on Monday afternoon, in this Chamber. All were enthusiastic in support of the proposed scheme. There were minor amendments proposed and which the Committee believed proper to insert in the Bill. These, the Committee has embodied and herewith append the Bill as amended, and made part of this report.

Your Committee therefore recommend the passage of the Bill as amended.

Respectfully submitted,

WM. T. ROBINSON,  
Chairman.  
GEO. H. FAIRCHILD.

Senator Fairchild moved to further amend the Bill by inserting after the words "Public Instruction" the words "only as to size, arrangement, dimensions, lighting of rooms and sani-

tary conveniences" in line 14 of Section 6; seconded by Senator Hewitt, and carried.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, consideration of the Bill as amended on Second Reading was deferred until tomorrow, and the Clerk was instructed to furnish the Senate with typewritten copies of the amended bill.

Senator Judd presented a Report (No. 154) from the Judiciary Committee, recommending that House Bill No. 44 be tabled, and recommending the passage of a substitute Bill, as follows:

#### REPORT ON HOUSE BILL NO. 44.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee to whom was referred House Bill No. 44, To Amend Section 2450 of the Revised Laws of Hawaii, Relating to Land Registration, begs leave to report as follows:

This bill deals with the method of transferring land which has been registered in the Court of land Registration. The present statute Section 2450 R. L. prescribes only that a deed of conveyance be made of the land. This bill seeks to add to this the following provisions: That the deed shall be acknowledged and certified in the same manner as deeds of conveyance of real property or land not registered, and that the deed shall contain a reference to the number of the certificate of title of the land affected, and the volume and page of the registration book where it is entered. These provisions are carried out by every careful conveyancer preparing papers for the transfer of registered land. Objection has been made before the Committee that the bill as drafted is not broad enough, and that the provisions should be extended to cover the mortgaging, leasing, or otherwise encumbering of registered land. Your Committee has therefore prepared a substitute bill amending Section 2443 of the Revised Laws which will cover conveyances in fee, mortgages, leases and other transfers or encumbrances of registered land. In amending Section 2443 of the Revised Laws it has been pointed out to this Committee that it is advisable to also strike out the word "voluntary" in this section, so that the provisions of the substitute bill shall apply to all dealings with registered land, whether voluntary or otherwise.

Your Committee is thoroughly in accord with the purposes sought to be accomplished, and believing that the substitute

bill herewith submitted will attain these objects in better form than House Bill No. 44, therefore recommends that House Bill No. 44 be tabled, and that the substitute bill attached to this report be passed.

Respectfully submitted,

#### JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 23, 1911.

Upon motion by Senator Judd, seconded by Senator Makekau, the Report of the Committee was adopted, and House Bill No. 44 was tabled.

Under suspension of the rules, the Judiciary Committee introduced Senate Bill No. 101, entitled "An Act to Amend Section 2443 of Chapter 154 of the Revised Laws of Hawaii, Relating to Dealing with Land After Original Registration."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Kalama presented a Report (No. 155) from the Committee on Public Lands and Internal Improvements, recommending the passage of House Bill No. 80, as follows:

Honolulu, Hawaii, March 23, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred House Bill No. 80, entitled "An Act to Declare Certain Lands as a Public Park," has had the same under careful consideration and begs leave to report as follows:

The Bill seeks to set aside a certain tract of land situated at Waimea, Kauai, as a Public Park. With a large area of Public Land, and the increase in population, more particularly School children, your Committee believes the setting aside of the above tract of land as a recreation ground, an advisable measure.

Your Committee, therefore, recommends its passage.

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
GEO. C. HEWITT.

Upon motion by Senator Kalama, seconded by Senator Fairchild, the Report of the Committee was adopted; House Bill No. 80 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Chillingworth gave notice of his intention to introduce the following Bills:

1. "An Act Adding New Sections to Act 46 of the Session Laws of 1909, Relating to the Militia, to be Known as Sections 166, 167, 168 and 169."

2. "An Act Making Appropriations for the Construction of Armories for the National Guard of Hawaii, at Honolulu, Oahu, and Lahaina, Maui, and Additional Store-rooms to the Armories at Hilo, Hawaii, and Wailuku, Maui."

Under suspension of the rules, Senator Chillingworth introduced Senate Bill No. 102, entitled "An Act Adding New Sections to Act 46 of the Session Laws of 1909, Relating to the Militia, to be Known as Sections 166, 167, 168 and 169."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Chillingworth introduced Senate Bill No. 103, entitled "An Act Making Appropriations for the Construction of Armories for the National Guard of Hawaii at Honolulu, Oahu, and Lahaina, Maui, and Additional Store-rooms to the Armories at Hilo, Hawaii, and Wailuku, Maui."

The Bill passed First Reading by Title and was referred to the Printing Committee.

A Communication (No. 38) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

**Secretary of Hawaii.**

Honolulu, T. H., March 23, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

I am directed by the Secretary to inform your Honorable Body that the Governor has this day signed the following bills:



House Bill No. 8, as Act 30, entitled "An Act to Amend Section 13 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905 and as Amended by Section 1 of Act 58 of the Session Laws of 1909, Relative to Deputy Sheriff;"

House Bill No. 9, as Act 31, entitled "An Act to Amend Section 28 of Chapter 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii;'"

House Bill No. 130, as Act 32, entitled "An Act to Amend Section 2916, Chapter 188 of the Revised Laws of Hawaii, Relating to Assault and Battery;"

House Bill No. 131, as Act 33, entitled "An Act to Amend Section 2794, Chapter 181 of the Revised Laws of Hawaii, Relating to Bonds to Keep the Peace;"

House Bill No. 132, as Act 34, entitled "An Act to Amend Section 2977, Chapter 196 of the Revised Laws of Hawaii, Relating to Receiving Stolen Goods."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.  
At 12:20 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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### THIRTY-SECOND DAY.

Friday, March 24, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Baker absent.

The Journal of the Thirty-first Day was read and approved.

A Communication (No. 39) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bill No. 89, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**  
Secretary of Hawaii.

Honolulu, T. H., March 23, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to notify your Honorable Body that the Governor has this day signed the following bill:

House Bill No. 89, as Act 35, entitled "An Act to Amend Section 2966 of the Revised Laws of the Territory of Hawaii, Relating to Embezzlement."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 106) from the House of Representatives, notifying the Senate of their concurrence in the amendment to House Bill No. 116, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 23, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 116 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 107) from the House of Representatives, transmitting House Bill No. 160, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 23, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 160, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 160, entitled "An Act to Regulate the Manufacture of Poi for Sale."

The Bill passed First Reading by Title, and was referred to the Committee on Public Health.

Senator J. T. Brown presented a Report (No. 156) from the Printing Committee, stating that Substitute Senate Joint Resolution No. 1; Report of the Ways and Means Committee recommending such substitute resolution; the Report of the Auditor of the County of Hawaii, and Senate Bills Nos. 98, 99, 100, 101, 102 and 103 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 98, entitled "An Act to Amend Act 122 of the Session Laws of 1909, Relative to the Salary of the District Magistrate of Puna."

Referred to a Select Committee consisting of the Senators from Hawaii.

Second Reading of Senate Bill No. 99, entitled "An Act to Authorize the Reduction of Capital Stock of Corporations and Joint Stock Companies."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 100, entitled "An Act to Repeal Section 3 of Act 68 of the Session Laws of 1905, Being an Act Defining Fiduciary Companies, and Regulating the Same, by Requiring Financial Statements Therefrom."

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 101, entitled "An Act to Amend Section 2443 of Chapter 154 of the Revised Laws of Hawaii, Relating to Dealing with Land After Original Registration."

Under suspension of the rules, the Bill was read throughout. Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 102, entitled "An Act Adding New Sections to Act 46 of the Session Laws of 1909, Relating to the Militia, to be Known as Sections 166, 167, 168 and 169."

Referred to the Committee on Military.

Second Reading of Senate Bill No. 103, entitled "An Act Making Appropriations for the Construction of Armories for the National Guard of Hawaii, at Honolulu, Oahu, and Lahaina, Maui, and Additional Store-rooms to the Armories at Hilo, Hawaii, and Wailuku, Maui."

Referred to the Committee on Military.

Second Reading of Substitute Senate Joint Resolution No. 1.

Referred to the Committee on Ways and Means.

Third Reading of Senate Bill No. 54, entitled "An Act Providing the Supervision of Public Parks to Various Counties or City and County, Repealing Sections 772 and 778 of the Revised Laws of Hawaii."

Upon motion by Senator J. T. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of Senate Bill No. 55, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905, Relative to the

Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909, Relative to a Tax on Incomes for Immigration Purposes."

Upon motion by Senator Judd, seconded by Senator C. Brown, consideration was deferred until Tuesday, March 28th, 1911.

Third Reading of Senate Bill No. 81, entitled "An Act Providing for the Seizure and Forfeiture of Moneys and Property Offered for Sale or Distribution in Violation of Any of the Provisions of Sections 3172-3182 of the Revised Laws of Hawaii, and Repealing Section 3180 Thereof."

Upon motion by Senator Hewitt, seconded by Senator Makekau, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of Senate Bill No. 85, entitled "An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation and Other Purposes, and for the Reclamation of Arid and Semi-Arid Lands in the Territory of Hawaii."

Upon motion by Senator Judd, seconded by Senator Makekau, consideration of the Bill on Third Reading was deferred until Monday, March 27, 1911.

Third Reading of Senate Bill No. 93, entitled "An Act to Repeal Chapters 75, 76 and 77 of the Revised Laws and Act 132 of the Laws of 1907, Relating to Explosive and Inflammable Fuel Oils."

Upon motion by Senator Kaleiupu, seconded by Senator Kalama, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of Senate Bill No. 94, entitled "An Act to Amend Section 23 of Act 118 of the Laws of 1907, Relating

to the Powers and Duties of the Supervisors of the City and County of Honolulu."

Upon motion by Senator Pali, seconded by Senator Quinn, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of Senate Bill No. 95, entitled "An Act to Amend Section 62 of Act 39 of the Laws of 1905, Relating to the Powers and Duties of County Supervisors."

Upon motion by Senator C. Brown, seconded by Senator Robinson, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of House Bill No. 80, entitled "An Act to Declare Certain Lands as a Public Park."

Upon motion by Senator Makekau, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Second Reading of Senate Bill No. 18, entitled "An Act to Provide for the Maintenance of Public Schools."

Senator Judd moved to amend the Bill by adding a new section to be known as Section 8 and to re-number Sections 8 and 9 so as to read Sections 9 and 10.

The amendment was read by the Clerk, as follows:

"Section 8. Nothing in this Act contained shall be construed as to impair the obligation of the Territory to provide for the payment of any bonds or the interest thereon, or for the creation of Sinking Funds."

The amendment was seconded by Senator Hewitt, and carried.

Upon motion by Senator Fairchild, seconded by Senator Judd, the Bill was referred to the Committee on Ways and Means.

Senator Judd presented a Report (No. 157) from the Judiciary Committee, recommending that Senate Bill No. 67 be referred to the Committee of the Whole, as follows:

**REPORT ON SENATE BILL NO. 67.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 67, To Amend Section 3 of Act 15 of the Session Laws of 1905, Relating to Public Entertainments and Athletic Sports on Sunday, begs leave to report as follows:

The object sought to be attained by this bill is to turn over to the counties and city and county the matter of regulating the holding and conducting of certain forms of entertainment and athletic sports on Sunday. After careful consideration your Committee is of the opinion that the bill in its present form will not accomplish the object desired, and your Committee therefore recommend the following amendments:

First, that all of the title of this bill after the words "AN ACT" be stricken out, and that there be inserted in lieu thereof the following:

**"TO AMEND ACT 15 OF THE SESSION LAWS OF 1905,  
"REGULATING THE OBSERVANCE OF SUNDAY."**

Second, that all of Section 1 of this bill be stricken out after the words "SECTION 3" in line 3 of Section 1, and that there be inserted in lieu thereof the following:

**"This act shall be construed as permitting the conducting of Aquariums, Museums, Zoological Gardens and outdoor athletic sports on Sunday."**

Third, that Section 2 of this bill be numbered Section 3.

Fourth, that there be added to this bill a new section as follows:

**"Section 2. That there be added to Act 15 of the Session Laws of 1905, the following section to be known as Section 3A as follows:**

**" 'Section 3A. The Boards of Supervisors of each county or city and county may permit and regulate by ordinance the conducting of shows, entertainments, and theatres on Sunday.' "**

This bill, vitally affecting as it does the question of Sunday

openings, your Committee recommends that it be referred to the Committee of the Whole.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 24, 1911.

Upon motion by Senator Quinn, seconded by Senator Kalei-  
opu, the Report of the Committee was adopted.

At 11:22 o'clock A. M., the Senate resolved itself into a Com-  
mittee of the Whole, with Senator Makekau in the Chair, for  
the consideration of Senate Bill No. 67.

At 11:29 o'clock A. M., the Committee rose, and Senator Ma-  
kekau presented a Report (No. 11) from the Committee of the  
Whole, recommending the passage of Senate Bill No. 67, as fol-  
lows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to whom was referred Senate  
Bill No. 67, begs leave to report that the same pass as amend-  
ed by the Judiciary Committee.

R. H. MAKEKAU,  
Chairman, Committee of the Whole.

March 24, 1911.

Upon motion by Senator Kaleiopu, seconded by Senator Judd,  
the Report of the Committee was adopted; Senate Bill No. 67  
passed Second Reading as amended, and was placed on the Order  
of the Day for tomorrow for Third Reading.

Senator Chillingworth presented a Report (No. 158) from  
the Committee on Public Health, recommending that Senate  
Petition No. 5 be referred to a Select Committee composed of  
the Senators from Hawaii, as follows:



Honolulu, Oahu, March 24, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health to whom Senate Petition No. 5, introduced by Senator Geo. C. Hewitt, was referred has had the same under careful consideration and begs leave to report as follows:

In regard to Paragraph 1 of said Petition, the subject matter therein contained is the same as Senate Bill No. 19 which your Committee recommended be tabled, to be taken up with the Appropriation Bill.

And as to Paragraphs 2, 3, 4 and 5, the subject matter therein contained only applies to the Island and County of Hawaii. Therefore, your Committee recommends this petition to be referred to the Select Committee of Hawaii Senators.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

ALBERT F. JUDD,  
PHILIP PALI.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted.

Senator Chillingworth presented a Report (No. 159) from the Committee on Public Health, recommending the passage of Senate Bill No. 83 with certain amendments, as follows:

Honolulu, Hawaii, March 24, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health to whom was referred Senate Bill No. 83, entitled "An Act to Regulate the Practice of Veterinary Medicine, Surgery and Dentistry in the Territory of Hawaii," has had the same under careful consideration, and begs leave to report as follows:

The Committee recommend that the words "as a profession" in line 2 of Section 1 be stricken out, so that Section 1 will read as follows:

"Section 1. No person shall practice Veterinary Medicine,

Surgery or Dentistry in the Territory of Hawaii, either gratuitously, or for pay, or shall offer to so practice, or shall advertise or announce himself publicly or privately, as prepared or qualified to so practice, without having first obtained from the Treasurer under the seal of his Department, a license in form and style substantially as in this Chapter set forth.

"Provided, however, that nothing in this Act shall be construed to prevent the Medical, Surgical or Dental treatment of stock by the owners or the regular employees of owners, or by neighbors who do not assume to be practitioners of Veterinary Medicine, Surgery or Dentistry or by members of the Medical profession in cases of emergency, and provided further that this Act shall not apply to commissioned veterinary surgeons of the United States Army."

The object of this bill is to avoid the objections to the statute of 1905, relating to the same subject, which were found to exist by the Supreme Court in the case of the Territory of Hawaii vs. Pottie reported in 19 Hawaiian on page 99.

With the striking out of the words above set forth the Committee recommends the passage of the Bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

ALBERT F. JUDD,  
PHILIP PALI.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 83 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 11) from the Select Committee of Senators from Hawaii, recommending the passage of House Bill No. 86, as follows:

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee consisting of Senators from the Island of Hawaii, and having under consideration House Bill No. 86, entitled "An Act to Provide for the Geographical Limits of the City of Hilo," begs to report that they have had under consideration the said bill, and recommend that it be passed without further amendment.

The provisions of the said bill give a careful and exact sur-

veyor's description of that portion of the district of South Hilo which is usually referred to as the City of Hilo. At the present time there is no provision under our statutes or by any regulation of any of the heads of departments by which the limits of the city of Hilo can be defined. This Act supplies the defect. It is a considerable advantage to the various departments of the United States government, such as the War Department, Navy Department, Census Bureau, Post Office Department, and United States Marine Hospital and Public Health Department, to know the exact limits of the City of Hilo. It is also of advantage to several of the departments of this Territory to have these limits defined accurately. No municipal powers are given under this Act.

We therefore recommend its passage.

Respectfully submitted,

JOHN T. BROWN,  
GEO. C. HEWITT,  
R. H. MAKEKAU,

Committee from Hawaii.

Upon motion by Senator Judd, seconded by Senator Makekau, the Report of the Committee was adopted; House Bill No. 86 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

A Communication (No. 108) from the House of Representatives, transmitting House Bill No. 35, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 35, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 35, entitled "An Act to Amend the Title, Sections 1 and 2, Section 3 as Amended by Act 127 of the Session Laws of 1909, and Section 9 of Act 24 of the Session Laws of 1907, Relating to the College of Agriculture and Mechanic Arts."

The Bill passed First Reading by Title and was referred to the Committee on Education.

A Communication (No. 109) from the House of Representatives, transmitting House Bill No. 96, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 96, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 96, entitled "An Act to Amend Section 1 of Act 122 of the Session Laws of 1909, Relating to the Payment of the Expenses of the Several District Courts."

The Bill passed First Reading by Title and was placed on the Order of the Day for Monday, March 27, 1911, for consideration on Second Reading in Committee of the Whole.

At 11:23 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## THIRTY-THIRD DAY.

Saturday, March 25, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senators Chillingworth and Kaleiopu absent.

The Journal of the Thirty-second Day was read and approved.

A Communication (No. 40) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, informing the Senate that the Governor had signed House Bills Nos. 108, 39 and 88, was read by the Clerk as follows:

## EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., March 23, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I have the honor to notify your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 108, as Act 36, entitled: "An Act to Provide Assistance for Discharged Prisoners, Amending Chapter 110 of the Revised Laws of Hawaii by Adding Thereto a New Section to be Known as Section 1614A;"

House Bill No. 39, as Act 37, entitled: "An Act to Amend Act 65 of the Session Laws of 1909, Relating to Earnings at Certain Industrial Schools;"

House Bill No. 88, as Act 38, entitled: "An Act to Prohibit the Taking of Fish with Nets in the Waters of the Harbor of Honolulu."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 41) from the Chief Clerk of the

Office of the Secretary of the Territory of Hawaii, informing the Senate that the Governor had signed House Bill No. 116, was read by the Clerk as follows:

EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., March 24, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I have the honor to inform your Honorable Body that the Governor has this day signed House Bill No. 116, as Act 39, entitled: "An Act to Amend Section 1831 of Chapter 120 of the Revised Laws of Hawaii, Relating to the Exemption of Personal Property from Attachment, Execution, Distress and Forced Sale."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 110) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 32, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 32 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 111) from the House of Representatives, transmitting House Bill No. 159, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 159, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 159, entitled "An Act to Amend Sections 133, 134 and 135 of the Revised Laws of Hawaii, Relating to Billiards and Bowling Alleys."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 112) from the House of Representatives, transmitting House Bill No. 170, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 170, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 170, entitled "An Act Appropriating Twenty-five Thousand Dollars for the Purpose of Repaying Monies Wrongfully Collected as Merchandise License Tax Under Sections 764 to 768 of the Penal Laws of 1897."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 113) from the House of Representatives, transmitting House Bill No. 184, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 184, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 184, entitled "An Act to Amend Sections 17, 19 and 121, and paragraphs 3, 9 and 22 of Section 23 of Act 118 of the Session Laws of 1907, Being 'An Act Incorporating the City and County of Honolulu.'"

The Bill passed First Reading by Title and was referred to a Select Committee consisting of the Members from Oahu.

Senator Quinn gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 2284 of the Revised Laws of Hawaii, as Amended by Act 43 of the Session Laws of 1905, Relating to the Widow's Election of Dower."

Under suspension of the rules, Senator Quinn introduced Senate Bill No. 104, entitled "An Act to Amend Section 2284 of the Revised Laws of Hawaii, as Amended by Act 43 of the



Session Laws of 1905, Relating to the Widow's Election of Dower."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 67, entitled "An Act to Amend Act 15 of the Session Laws of 1905, Regulating the Observance of Sunday."

Upon motion by Senator Hewitt, seconded by Senator Robinson, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senator Baker.

Absent and not voting: Senators Chillingworth and Kalei-opu.

Third Reading of Senate Bill No. 83, entitled "An Act to Regulate the Practice of Veterinary Medicine, Surgery or Dentistry in the Territory of Hawaii."

Senator Makekau moved to defer consideration until March 27th, 1911; seconded by Senator Hewitt, and lost.

Upon motion by Senator Hewitt, seconded by Senator Baker, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senator Makekau.

Absent and not voting: Senators Chillingworth and Kalei-opu.

Third Reading of Senate Bill No. 101, entitled "An Act to Amend Section 2443 of Chapter 154 of the Revised Laws of Hawaii, Relating to Dealing with Land After Original Registration."

Upon motion by Senator Judd, seconded by Senator Robinson, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Makekau, Kalama, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Kalei-opu.

Third Reading of House Bill No. 86 entitled "An Act to Provide for the Geographical Limits of the City of Hilo."

Upon motion by Senator J. T. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Makekau, Kalama, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Kalei-opu.

Senator Judd presented a Report (No. 160) from the Judiciary Committee, recommending the passage of Senate Bill No. 99, as follows:

#### REPORT ON SENATE BILL NO. 99.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 99, to authorize the reduction of the capital stock of corporations and joint stock companies, begs leave to report as follows:

The objects sought to be attained by this bill are clearly indicated by its title. As the law now stands there is some doubt as to the power of a corporation to reduce its capital stock for the reason that there is no statute specifically giving the right.

Section 2566a of the Revised Laws as amended by Act 74 of the Session Laws of 1907, impliedly authorizes the reduction of capital stock of a corporation or joint stock company inasmuch as it prescribes that a fee be paid to the Treasurer of the Territory upon the filing of any certificate of decrease of capital stock or of increase or decrease of par value, or of number of shares. There is certainly no legal objection to allowing a corporation to reduce its capital stock under conditions which will protect creditors of the corporation, if any, as only creditors could be prejudiced. The act submitted amply protects not only creditors of the corporation by giving them reasonable notice and opportunity to object against any reduction of capital to their prejudice, but it also affords any stockholders the right to have an inquiry made by the Treasurer into the regularity of the proceedings.

For the foregoing reasons your Committee recommend the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

March 25, 1911.

Committee.

Upon motion by Senator Pali, seconded by Senator Fairchild, the Report of the Committee was adopted; Senate Bill No. 99 passed Second Reading, and was placed on the Order of the Day for Monday, March 27th, 1911, for Third Reading.

A Communication (No. 21) from Mr. John A. Kealoha, Secretary, American Citizen Labor Union of Hilo, Hawaii, enclosing Resolutions, relating to Filipino laborers, was read by the Clerk as follows:

Hilo, Hawaii, March 23, 1911.

To the Honorable President of the Senate,  
Senate Chamber, Territory of Hawaii.

Sir:—

Enclosed herewith please find copies of resolutions which were adopted by the American Citizen Labor Union. You will note in these resolutions the general feeling of the public of Hilo relative to the different measures pending before the Legislature of the Territory of Hawaii.

Hoping the legislature will do all in its power to accede to the wishes of the masses,

Yours very truly,

JNO. A. KEALOHA,  
Secretary, A. C. L. U.

RESOLUTION.

Whereas at the opening of the 6th Session of the Legislature of the Territory of Hawaii, the Hon. G. F. Affonso has introduced a resolution calling for an investigation of Filipino laborers in Hawaii, whether they are desirable class or not; and

Whereas, in view of the fact that the legislature has appointed a committee to look into the facts of the case and make

its report to that honorable body during this session; and

Whereas, in view of the fact that when Daniel J. Keefe, Commissioner of Labor, was in Hawaii some time ago, he gave out a resume of the facts which he had gathered through his personal investigation of said matter by commenting: "That the Filipino immigrants as laborers are worthless as material for citizens, half-sick, dirty, etc.;" and

In view of the fact that the above statement made by Commissioner Keefe was true in all respects which easily could be proven by referring this matter to the Hilo Jail Authorities who can show that at the present time there are more than One Hundred of this undesirable class of laborers in the lock-up who rely mainly upon the County of Hawaii to support them at the expense of the tax-payers.

Be it Resolved that the Labor Union does hereby respectfully request the Legislature of the Territory of Hawaii to take such action as it may see fit to prohibit same from entering into the Territory of Hawaii as laborers, and that a more desirable class of laborers could be induced who would Americanize this Territory.

(Signed) CHAS. B. MAKANUI.

Dated Hilo, Hawaii.

March 22nd, 1911.

I hereby certify that the foregoing resolution is a true copy of the original now on file.

JNO. A. KEALOHA,  
Sec'y. A. C. L. U.

#### RESOLUTION.

The Hilo Labor Union places itself on record as opposed to the farming out of prisoners to County Officials and private parties as has been the practice heretofore. The Labor Union does hereby express itself in support of the stand taken by the District Magistrate of South Hilo in condemning this practice.

Resolved by the Hilo Labor Union that the Legislature of the Territory of Hawaii be respectfully requested to enact a law to this effect.

(Signed) IMUIWI.

Dated, Hilo, Hawaii,

March 22nd, 1911.

I hereby certify that the foregoing resolution is a true copy of the original now on file.

JNO. A. KEALOHA,  
Secretary, A. C. L. U.

## RESOLUTION.

Whereas, that there are now pending before the Legislature of the Territory of Hawaii, Senate Bill No. 60 relative to Government by Commission, introduced by Honorable David K. Baker, and a House Bill providing for the election of a supervisor-at-large and for three supervisors from each side of this island; and

Whereas, if such bills are enacted into laws would mean the curtailing of the powers in exercising popular form of government and that would be the beginning of machine politics and corruption which are very detrimental to the public interests, unless men of efficiency and of high business standing that would take the affairs of the public at heart should be elected to fill such responsible positions; and

Whereas, the present form of government is gradually improving upon its present system and its elective powers should be enlarged, upon which is based our fundamental principles of popular government; therefore

Resolved by the American Citizen Labor Union, that it does hereby respectfully request the Legislature of the Territory of Hawaii, now in session at Honolulu, to table such measures which are pending before the legislature or which may be introduced affecting the present form of county government.

(Signed) M. K. KEALAWAA.

Dated at Hilo, Hawaii,  
March 22th, 1911.

I hereby certify that the foregoing resolution  
is a true copy of the original now on file.

JNO. A. KEALOHA,  
Secretary, A. C. L. U.

The Communication was received and placed on file, and the Resolutions were laid on the table to be taken up for consideration with Bills of similar nature.

At 10:58 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## THIRTY-FOURTH DAY.

Monday, March 27, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Kalama absent.

The Journal of the Thirty-third Day was read and approved.

A Communication (No. 114) from the House of Representatives, returning Senate Bill No. 35, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 35, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 115) from the House of Representatives, transmitting House Concurrent Resolution No. 9, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent

Resolution No. 9, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

#### CONCURRENT RESOLUTION.

BE IT RESOLVED by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate Concurring:

That Congress is hereby petitioned to enact the following law for the benefit of the further development of this Territory, in providing necessary railroad transportation, in certain sections of the Territory, suitable for small farming and diversified industries, and that such act shall be substantially in the following form:

That for the purpose of aiding in the construction, equipment, operation, and maintenance of such railroads, using steam, electricity, or other power, in the Territory of Hawaii as may hereafter be constructed pursuant to the laws of said Territory, the said Territory is empowered to enter into a contract of guaranty with any railroad company organized pursuant to said laws undertaking to construct, equip, operate, and maintain any such railroad, whereby the said government shall guarantee interest, at not exceeding four per centum per annum upon first lien bonds to be issued by such company, properly secured by mortgage or deed of trust upon the said railroad, its equipment, franchises, and other property, real, personal, and mixed, then owned and thereafter to be acquired.

Such contract of guaranty shall be signed on behalf of said Territory by the governor thereof, and on behalf of the railroad company undertaking the construction, equipment, maintenance, and operation of said railroad by such officers thereof, as shall have been duly authorized by the stockholders and directors of the same, and shall contain, among others, the following provisions:

First. That the total amount of bonds the interest upon which is to be guaranteed shall in no event exceed the amount actually invested in cash in the construction and equipment of such railroad, to be determined as hereinafter provided.

Second. That no debt except as above provided shall be incurred by the said undertaking railroad company, its successors or assigns, by which a lien shall be created upon such railroad, its equipment or other property, prior to the lien of said government to secure the repayment of the interest paid

by it under said guaranty without the consent of the Congress.

Third. That the said railroad shall be constructed and equipped within the time limited in the first instance by the laws of said Territory, or any extension of said time granted by said Territory for good cause shown.

Fourth. That after the construction and equipment of said railroad in accordance with the foregoing provisions and all others of the contract of guaranty, the railroad shall apply its gross earnings as follows: First, to the necessary operating expenses, including reasonable expenses of the corporation; second, to the necessary and ordinary repairs of said railroad and its equipment; third, to such betterments and extraordinary repairs of said railroad or equipment as may be first by the Governor of said Territory, in writing, expressly consented to; fourth, to the payment of the interest on the bonds, the interest on which to any extent shall have been guaranteed by said Territory under this act.

The contract of guaranty shall be in substance indorsed upon said bonds and signed by the treasurer of said Territory, and the said contract of guaranty shall not be executed except upon satisfactory proof of the completion of the railroad in sections of not less than ten continuous miles each, and in such proportion, to be fixed from time to time by said treasurer, as the actual capital invested in completed road and acquired equipment shall bear to the capital required for the completion and equipment of the entire road, to be determined by the said treasurer.

All payments made under any such guaranty shall be from the time the same are paid a lien upon said railroad and its property then owned and thereafter to be acquired subject only to the lien of the mortgage or deed of trust executed to secure the bonds, the interest upon which shall have been so guaranteed, and the total sum paid under such guaranty shall at the expiration thereof be payable to said Territory upon demand, and in default of such payment the said lien shall be immediately foreclosable.

Provided, that in no event shall the total annual contingent liability of said Territory under the guaranties authorized by this act at any time exceed the sum of one hundred and twenty thousand dollars, and no such guaranty shall continue for a longer period than thirty years.

For the further security of said Territory the governor thereof shall declare the proper rules for ascertaining clearly the cash capital actually invested in said railroads, and the net income actually received on said capital so invested, and shall provide for the supervision by said Territory of the conduct of the finances of the road, and of its location, construction, operation, and maintenance.



The governor of said Territory shall appoint two members of the board of directors of any undertaking company the interest on whose bonds shall be guaranteed as provided in this act.

Each such railroad company shall make such reports from time to time as to its receipts and expenditures, in such form and substance and sworn to by such officials, as may be prescribed by the laws of said Territory.

The supreme court of the said Territory shall have original and exclusive jurisdiction in all actions, proceedings or suits at law or in equity brought by the said Territory against any person or corporation involving the construction of this act or any right existing under, duly enjoined or act prohibited by said act or any contract made in pursuance thereof; and the jurisdiction is hereby vested in said supreme court to make such order, to enter such judgment or decree and to take such proceedings in enforcement thereof as may be proper. During the vacations of said court the chief justice or any judge thereof shall have all the power to grant restraining orders, orders of injunction, to appoint receivers, or to do any other act under authority herein granted, that a judge of a court of general jurisdiction may do in the vacation of court.

AND BE IT FURTHER RESOLVED that the Delegate to Congress be forwarded a certified copy of this resolution, with a request to submit the same to Congress for their consideration.

M. K. MAKEKAU,  
Representative, 2nd District.

March 10, 1911.

The Communication was received and placed on file, and House Concurrent Resolution No. 9 was referred to the Committee on Manufactures, Agriculture and Promotion.

A Communication (No. 116) from the House of Representatives, transmitting House Bill No. 135, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 135.

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 135, entitled "An Act to Provide a Close Season for the Protection of the Hawaiian Fish 'Amaama.' "

The Bill passed First Reading by Title and was referred to the Committee on Public Health.

Senator J. T. Brown presented a Report (No. 161) from the Printing Committee, stating that Senate Bills Nos. 104, 54, 81 and 67 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 104, entitled "An Act to Amend Section 2284 of the Revised Laws of Hawaii, as Amended by Act 43 of the Session Laws of 1905, Relating to Widow's Election of Dower."

Referred to the Judiciary Committee.

Senator Quinn gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 1 of Act 102 of the Session Laws of 1905, as Amended by Section 1 of Act 147 of the Session Laws of 1909, Relating to Inheritance Tax."

Under suspension of the rules, Senator Quinn introduced Senate Bill No. 105, entitled "An Act to Amend Section 1 of Act 102 of the Session Laws of 1905, as Amended by Section 1 of Act 147 of the Session Laws of 1909, Relating to Inheritance Tax."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Baker gave notice of his intention to introduce a Bill entitled "An Act to Prevent Excessive County or City and County Expenditures, Liabilities and Obligations."

Under suspension of the rules, Senator Baker introduced Senate Bill No. 106, entitled "An Act to Prevent Excessive County or City and County Expenditures, Liabilities and Obligations."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Robinson gave notice of his intention to introduce a

Bill entitled "An Act to Amend Section 3190, Chapter 220, of the Revised Laws of Hawaii."

Under suspension of the rules, Senator Robinson introduced Senate Bill No. 107, entitled "An Act to Amend Section 3190, Chapter 220, of the Revised Laws of Hawaii."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 85, entitled "An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation and Other Purposes, and for the Reclamation of Arid and Semi-Arid Lands in the Territory of Hawaii."

Senator Hewitt moved that consideration of the Bill on Third Reading be further deferred until Thursday, March 30th, 1911. Seconded by Senator Judd, and carried.

Third Reading of Senate Bill No. 99, entitled "An Act to Authorize the Reduction of Capital Stock of Corporations and Joint Stock Companies."

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kalama.

Second Reading of Senate Bill No. 41, entitled "An Act to Provide for the Payment of Interest on All Amounts Due and Payable and Delinquent as Taxes or Assessments Upon Persons, Property or Incomes, Water, Sewer or Any Other Taxes or Rates; to Fix the Rate of Interest Thereon and Repealing All Laws Now in Force Providing for Penalties Upon the Same so far as the Imposition of Penalties Are Provided For."

Upon motion by Senator Robinson, seconded by Senator Judd, the Bill was re-referred to the Committee on Ways and Means to be taken up by them for consideration with the Tax Bill.

Second Reading of Senate Bill No. 69, entitled "An Act to Amend Section 16 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905, Relating to the Creation of Counties Within the Territory of Hawaii, and Providing for the Government Thereof."

Upon motion by Senator Robinson, seconded by Senator Pali, the Bill was re-referred to the Judiciary Committee.

At 10:34 o'clock A. M., the Senate resolved itself into a Committee of the Whole, Senator Judd in the Chair, for the consideration of House Bill No. 96, entitled "An Act to Amend Section 1 of Act 122 of the Session Laws of 1909, Relating to the Payment of the Expenses of the Several District Courts."

At 11:25 o'clock A. M., the Committee rose, reported progress and asked for time in which to file their report. Whereupon a recess was taken subject to the call of the Chair.

The Senate came to order at 11:39 o'clock A. M., whereupon Senator Judd presented the Report of the Committee (No. 12), recommending the passage of the Bill with certain amendments, as follows:

Honolulu, Hawaii, March 27, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to whom was referred House Bill No. 96, after due and careful consideration, begs leave to report as follows:

In Section 1 at the end of line 7 thereof add the words "per annum," and strike out the words "per annum" over the figures "\$3,000.00."

In the Item District Magistrate of Wailuku (\$125.00) \$1,500.00 amend it to read "\$135.00." "\$1,800.00."

In the item District Magistrate South Hilo (\$135.00) \$1,620.00 amend it to read "\$150.00" "\$1,800.00."

With these amendments Your Committee recommends that the Bill pass.

Respectfully submitted,

ALBERT F. JUDD,  
Chairman, Committee of the Whole.

Upon motion by Senator Pali, seconded by Senator Kaleiupu, the Report of the Committee was adopted; House Bill No. 96 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Judd presented a Report (No. 162) from the Judiciary Committee, recommending that Senate Concurrent Resolution No. 1 be tabled, as follows:

## REPORT ON SENATE CONCURRENT RESOLUTION NO. 1.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Concurrent Resolution No. 1, requesting the Congress of the United States to appropriate one-third of the customs receipts collected in this Territory for the support and maintenance of the public schools in the Territory, begs leave to report as follows:

After a thorough consideration of this resolution your Committee finds that there are two very serious objections to it. First, the resolution in asking the Congress of the United States to appropriate one-third of the customs receipts collected in this Territory for the benefit of the Territory is asking the Congress of the United States to pass an act the constitutionality of which your Committee doubts very much. Hawaii is an integral part of the United States and the constitution of the United States is in full force and effect in this Territory. (Organic Act Section 5, *Downes vs. Bidwell*, 182 U. S. 305, *Hawaii vs. Mankichi*, 190 U. S. 197). Such being the case, in the opinion of your Committee, Congress can no more give to Hawaii the one-third of the customs receipts collected in this Territory for the use of the public schools, than it could give to the State of New York or to the City of New York, one-third of the revenues there collected, for like purposes. If Hawaii was a colonial or insular possession, what is sought to be requested could readily be done, but Hawaii is not such now, and does not desire to become such.

The second objection to the resolution is that it is a request for special legislation for the benefit of Hawaii. It must be borne in mind that Hawaii is an organized Territory of the United States; that territorial form of government is only a temporary one; that Hawaii, in the art of self-government, must be moving, either forward or backward; that Hawaii's progress should be forward towards ultimate statehood. We must remember that the government at Washington is watching Hawaii with a view to determining whether she is able to take care of her own affairs, whether she is progressing towards statehood, or whether it would be better to take from her the measure of self-government she now has, and provide otherwise for her government. There are certain departments of the Federal Government which would be only too glad to see Hawaii made an insular or colonial possession. If this resolution is passed these departments will say to us, if you want special legislation we had better give to you a colonial

form of government, make you an insular possession, and then you can have all the special legislation you desire. We can and we must show Washington and the people of the United States at large that we are able to take care of our own affairs, and do not have to call upon Congress for special legislation for local matters. When the time comes for Hawaii to admit her incompetence in this regard, then let her ask to be put in the class with the Philippines, Porto Rico, Guam and Samoa. Your Committee is of the opinion that it would be a grave mistake to pass this resolution.

For the reasons above set forth your Committee recommend that this resolution be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 27, 1911.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted, and Senate Concurrent Resolution No. 1 was tabled.

At 11:20 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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THIRTY-FIFTH DAY.

Tuesday, March 28, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Kaleiopu absent.

The Journal of the Thirty-fourth Day was read and approved.

Senator J. T. Brown presented a Report (No. 163) from the Printing Committee, stating that Senate Bills Nos. 105 and 106 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 105, entitled "An Act to Amend Section 1 of Act 102 of the Session Laws of 1905, as Amended by Section 1 of Act 147 of the Session Laws of 1909, Relating to Inheritance Tax."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 106, entitled "An Act to Prevent Excessive County and City and County Expenditures, Liabilities and Obligations."

Referred to the Judiciary Committee.

Third Reading of House Bill No. 96, entitled "An Act to Amend Section 1 of Act 122 of the Session Laws of 1909, Relating to the Payment of the Expenses of the Several District Courts."

Upon motion by Senator Pali, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopi.

A Communication (No. 117) from the House of Representatives, transmitting House Bill No. 31, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 27, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 31, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 31, entitled "An Act to Provide for Nominations by Direct Vote."

The Bill passed First Reading by Title and was referred to a Select Committee composed of the Senators from Oahu.

A Communication (No. 118) from the House of Representatives, transmitting House Bill No. 45, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 27, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 45, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 45, entitled "An Act to Regulate the Incurring of Indebtedness by County Supervisors, Officers and Employees."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 119) from the House of Representatives, transmitting House Bill No. 87, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 27, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 87,



which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 87, entitled "An Act Adding New Sections to Act 46 of the Session Laws of 1909, Relating to the Militia, to be Known as Sections 166, 167, 168 and 169."

The Bill passed First Reading by Title and was referred to the Committee on Military.

A Communication (No. 120) from the House of Representatives, transmitting House Bill No. 140, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 27, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 140, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 140, entitled "An Act to Amend Act 15 of the Session Laws of 1905, Amending Sections 3190 and 3191 of the Revised Laws of Hawaii, Regulating the Observance of Sunday, and Adding a New Section Thereto."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 121) from the House of Representatives, transmitting House Bill No. 167, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 27, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 167,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 167, entitled "An Act Mak-  
ing a Special Appropriation for the Use of the Government of  
the Territory of Hawaii, to Pay an Unpaid Claim of A. B.  
Lindsay, Incurred Prior to the Thirtieth Day of June, A. D.  
1909."

The Bill passed First Reading by Title and was referred to  
the Committee on Ways and Means.

Senator Fairchild presented a Report (No. 164) from the  
Committee on Ways and Means, recommending the passage of  
Senate Bill No. 18, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred  
Senate Bill No. 18, being an Act to provide for the maintenance  
of public schools, report that they have had the same under  
consideration, and report as follows:

They recommend that in the sub-division of Section 8 un-  
der the heading of "General Fund Biennial Period July 1,  
1911—June 30, 1913," the following amendments be made:

Salary of Superintendent .....	\$ 7,200.00
Salaries of office force and general expenses ....	23,200.00
Salary of Secretary .....	\$ 3,600.00
Salary of Assistant Clerk and Book- keeper . . . . .	3,600.00

Salary of 2 stenographers .....	4,800.00	
Salary of 1 messenger .....	1,200.00	
General expenses and Summer Schools	10,000.00	
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Traveling expenses Inspector of Schools.....		1,500.00
School Supplies .....		40,600.00
Equipment and material, for Indus-		
trial training .....	15,000.00	
School books for sale .....	10,000.00	
General school supplies .....	12,000.00	
Libraries . . . . .	3,600.00	
<hr/>		
Special Salaries .....		\$ 13,200.00
Matron Girl's Industrial School....	2,400.00	
Three house mothers at \$50 a month	3,600.00	
Sup't Boys' Industrial School.....	3,600.00	
Three Night Watchmen .....	3,600.00	
<hr/>		
Maintenance Special Schools .....		\$ 58,800.00
Lahainaluna . . . . .	20,000.00	
Territorial Normal School.....	1,800.00	
Boys' Industrial School.....	25,000.00	
Girls' Industrial School.....	12,000.00	
<hr/>		
		\$144,500.00
And that under the heading of "Special Fund," the follow-		
ing amendments be made:		
Repair and maintenance of buildings and grounds,		
labor on repair work, material, maintenance		
and Janitor service, of		
Schools of Hawaii .....	\$40,000.00	
Schools of Maui .....	18,000.00	
Schools of Oahu .....	35,000.00	
Schools of Kauai .....	10,000.00	\$103,000.00
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Furniture and fixtures .....		13,127.00
<hr/>		
		\$116,127.00

With the amendment above suggested, and with such other amendments as have been heretofore made upon the Bill, we recommend that the same pass.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
WM. T. ROBINSON,  
CECIL BROWN,  
E. W. QUINN.

Honolulu, March 28, 1911.

Upon motion by Senator Chillingworth, seconded by Senator C. Brown, the Report of the Committee was adopted; Senate Bill No. 18 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 165) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 84, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 84, being an Act to amend Section 6 of Act 33 of the Session Laws of 1909, generally known as the Conservation Act, report that they have had the same under consideration. The object of this Act is to repeal that portion of the Conservation Act which limited its existence, or in other words the authority to collect the tax in question until December 31st of this year of 1911, which will make the tax a continuous one, or until such time as a future legislature may repeal it in toto.

As the Senate has now under consideration an Act relating to and reorganizing the Board of Immigration, and funds will be needed for the purposes covered by that Act, as well as the Act amended, we recommend that it pass.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
WM. T. ROBINSON,  
CECIL BROWN,  
E. W. QUINN.

Dated, Honolulu, March 28th, 1911.

Upon motion by Senator Makekau, seconded by Senator Chillingworth, the Report of the Committee was adopted; Senate Bill No. 84 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 166) from the Committee on Ways and Means, recommending the passage of House Bill No. 161, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred House Bill No. 161 providing for an annuity for ex-Queen Liliuokalani of Fifteen Thousand Dollars, begs leave to report that they have had the same under consideration and recommend that the Act pass.

The Act provides among other things that the Treasurer of the Territory shall continue the sum of \$1250.00 a month "during the remainder of her life."

The Legislature of the Territory can only make appropriations for the biennial period (See Section 52 of the Organic Act), so the phrase quoted is deemed an expression of opinion merely of the present Legislature, and the money to be available for the next biennial period will have to be re-appropriated, and may be either decreased or enlarged as the Legislature of that period may determine.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
WM. T. ROBINSON,  
CECIL BROWN,  
E. W. QUINN.

Dated, Honolulu, March 28th, 1911.

Upon motion by Senator Quinn, seconded by Senator Chillingworth, the Report of the Committee was adopted; House Bill No. 161 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Kalama presented a Report (No. 13) from the Select Committee of Maui Senators, recommending the passage of Senate Bill No. 27 with certain amendments, and the tabling of House Bill No. 55, as follows:

#### SENATE CHAMBER.

Honolulu, T. H., March 28, 1911.

The Honorable  
E. A. Knudsen,  
President of the Senate.

Sir:—

Your Special Committee, consisting of the members of this

Senate from the Island and County of Maui, to which were referred (1) Senate Bill No. 17, being "An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof,'" introduced by Senator W. T. Robinson, and (2) House Bill No. 55, entitled almost similarly with the above Senate Bill, introduced by Representative Joseph Cockett, after due and careful consideration, it begs leave to submit herewith the following report:

As already inferred above, the titles of both Bills are almost similar, the purport of the measures being practically identical, in that they aim to increase the salaries of certain elective County officers of the County of Maui, as well as other non-elective officials, the only difference being that the House Bill does not go far enough in its intended scope. The reason for these proposed increases is very evident, the duties of the positions having largely increased during the past period, and it is now sought to make them commensurate with the duties imposed.

In this wise, as a result of its consideration, your Committee recommends the tabling of House Bill No. 55, and in its stead, further recommends the passage of Senate Bill No. 17, by amending it, eliminating all of sub-division numbered 1 and ordering the re-numbering of the rest of the sub-divisions so as to conform accordingly.

Respectfully submitted,

S. E. KALAMA,  
Chairman.

PHILIP PALI,  
WM. T. ROBINSON.

Upon motion by Senator Robinson, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 17 passed Second Reading as amended, and was placed on the Order of the Day for tomorrow for Third Reading, and House Bill No. 55 was tabled.

At 10:44 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## THIRTY-SIXTH DAY.

Wednesday, March 29, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senators Kaleiopi and Quinn absent.

The Journal of the Thirty-fifth Day was read and approved.

A Communication (No. 122) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 96, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 96 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 22) from Mr. John A. Kealoha, Secretary, American Citizen Labor Union of Hilo, Hawaii, enclosing Resolution relating to guarantee of interest on private railroad bonds, was read by the Clerk as follows:

Hilo, Hawaii, March 27, 1911.

To the Hon. President of the Senate,  
Senate Chamber, Honolulu, T. H.

Sir:—

I was instructed by the Labor Union of Hilo to forward you

herewith certified copy of a resolution adopted by the said Union at a public meeting assembled on March 22nd, 1911, relative to the Territory guaranteeing the Bond interest on private Railway Corporations.

Hoping your Honorable Body will take this matter in due consideration, I beg to remain,

Yours very truly,

JNO. A. KEALOHA,  
Secretary, A. C. L. U.

#### RESOLUTION.

Whereas there is now before the Legislature of the Territory of Hawaii a Senate Bill which provides for guaranteeing the interest on the Bonds of a private Railway Corporation; and

Whereas this Territory lacks now many important public improvements which necessitates the expenditure of all the revenue of this Territory and these are not sufficient for the needs of the Territory; and

Whereas we believe that if this Territory is in such good financial condition as to warrant it safely to guarantee interest on the Bonds of a private R. R. company, it should then provide for the building of such Railway as a Territorial enterprise; and

Whereas the members of the Hilo Labor Union believe that it is entirely out of the provision of this Territorial Government to guarantee any private enterprise in any manner; therefore

Be it resolved by the members of the Hilo Labor Union in public meeting assembled on March 22nd, 1911, that any act of the Legislature of Hawaii tending to the enactment of this Senate Bill or any similar Bill is hereby uncompromisingly opposed. And be it further resolved, that copies of these Resolutions be sent to the Governor, the Senate, the House of Representatives and also to the members of these bodies from the senatorial and representative districts of Hawaii.

(Signed) JOHN BOHNENBERG

I hereby certify that the above is a true copy of the Resolution adopted by the Hilo Labor Union on March 22nd, 1911.

JNO. A. KEALOHA,  
Secretary, A. C. L. U.



The Communication and Resolution were received and placed on file.

A Communication (No. 23) from the Vestry of the Church of the Good Shepherd, Wailuku, Maui, protesting against the passage of Senate Bill No. 67, was read by the Clerk as follows:

At a meeting of the Vestry of the Church of the Good Shepherd, of Wailuku, County of Maui, Territory of Hawaii, held at the Rectory, on Monday evening, March 27th, 1911, the following Resolution was offered and passed:

WHEREAS, we believe it is not conducive to the betterment of the moral tone of any community to permit the opening of shows, theaters, circuses or entertainments on Sundays, THEREFORE BE IT RESOLVED:

THAT we, the Church of the Good Shepherd of Wailuku, County of Maui, Territory of Hawaii, by its Clergy and Vestry, petition the Legislature of the Territory of Hawaii not to pass Senate Bill No. 67.

Wailuku, Maui, March 27, 1911.

WM. A. SHORT,  
Rector.  
J. N. S. WILLIAMS  
Treas.  
C. D. LUFKIN,  
Warden.  
JAS. N. K. KEOLA,  
Clerk.  
L. M. BALDWIN,  
EDMUND H. HART.

To

Hon. E. A. Knudsen,  
President of the Senate,  
Honolulu, Hawaii.

The Communication was received and placed on file.

A Communication (No. 24) from Honorable W. O. Smith, presenting the Senate with a set of Hinds' Precedents of the House of Representatives, was read by the Clerk as follows:

Honolulu, T. H., March 29, 1911.

Honorable Eric A. Knudsen,  
President of the Senate, T. H.  
Honolulu.

Sir:—

It affords me pleasure to present to the Senate a set of

Hinds' Precedents of the House of Representatives, with three volumes of index.

These books form a valuable work and will be useful for reference.

Respectfully yours,

W. O. SMITH.

The Communication was received and placed on file, and upon motion by Senator C. Brown, seconded by Senator Judd, Mr. Smith was accorded a vote of thanks for the books.

A Communication (No. 123) from the House of Representatives, returning Senate Bill No. 63 with certain amendments, was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 63, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 3 of Section 2 of said Bill, strike out the words "Secretary, the Treasurer and the."

In line 3 of said Section, strike out the words "or a majority of them are," and insert in lieu thereof the word "is."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 124) from the House of Representatives, returning Senate Bill No. 46, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 46,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 125) from the House of Representa-  
tives, transmitting House Bill No. 85, was read by the Clerk  
as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 85,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 85, entitled "An Act to  
Amend Section 6 of Act 33 of the Session Laws of 1909, Relat-  
ing to Conservation and Immigration Tax."

The Bill passed First Reading by Title and was laid on the table to be taken up for consideration with Senate Bill No. 84.

A Communication (No. 126) from the House of Representatives, transmitting House Bill No. 91, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 91, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 91, entitled "An Act to Encourage Diversified Industries."

The Bill passed First Reading by Title and was referred to the Committee on Manufactures, Forestry and Promotion.

A Communication (No. 127) from the House of Representatives, transmitting House Bill No. 154, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 154,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 154, entitled "An Act to Amend Section 1320, Revised Laws of Hawaii, Relating to Schedule of Stamp Duties."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 128) from the House of Representatives, transmitting House Bill No. 155, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 155, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 155, entitled "An Act to Provide for the Payment by the Territory of Hawaii of the Sum of Three Hundred Dollars (\$300.00) to George Kauwe for the Cost of a Piece of Land Taken by the Government of Hawaii for a Public Road."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 129) from the House of Representatives, transmitting House Bill No. 165, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 165, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 165, entitled "An Act to Amend Section 115 of the Revised Laws of Hawaii, Relating to Holidays."

The Bill passed First Reading by Title and was referred to the Committee on Military.

A Communication (No. 130) from the House of Representatives, transmitting House Bill No. 177, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 177, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 177, entitled "An Act to Amend Section 2356 of the Revised Laws of Hawaii, Relating to the Fees of the Registrar of Conveyances."

The Bill passed First Reading by Title and was laid on the table to be taken up for consideration with Senate Bill No. 76.

A Communication (No. 131) from the House of Representatives, transmitting House Bill No. 185, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 28, 1911.

The Honorable President and  
Members of the Senate of  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 185, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 185, entitled "An Act to Amend Chapter 151 of the Revised Laws of Hawaii, Relating to Registration of Conveyances, by Adding Thereto Three Sections to be Known as Section 2358A, 2358B and 2358C, Providing for the County Records of Conveyances."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator J. T. Brown presented a Report (No. 167) from the Printing Committee, stating that Senate Bill No. 18 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Judd gave notice of his intention to introduce the following Bills:

1. "An Act to Define, Regulate and License Emigrant Agents."

2. "An Act Making it a Misdemeanor to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or to Aid or Abet Such Leaving, and Providing a Punishment Therefor."

3. "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading or Attempting to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment or Aiding, Abetting or Attempting to Aid or Abet Such Leaving."

Under suspension of the rules, Senator Judd introduced the following Bills:

Senate Bill No. 108, entitled "An Act to Define, Regulate and License Emigrant Agents."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Judd introduced Senate Bill No. 109, entitled "An Act Making it a Misdemeanor to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or to Aid or Abet Such Leaving, and Providing a Punishment Therefor."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Judd introduced Senate Bill No. 110, entitled "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading or Attempting to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment or Aiding, Abetting or Attempting to Aid or Abet Such Leaving."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Pali gave notice of his intention to introduce a Bill entitled "An Act to Amend Chapter 28 of the Revised Laws Relating to Agriculture and Forestry, by Adding a New Section Thereto to be Known as Section 386A."

Under suspension of the rules, Senator Pali introduced Senate Bill No. 111, entitled "An Act to amend Chapter 28 of the Revised Laws, Relating to Agriculture and Forestry, by Adding a New Section Thereto to be Known as Section 386A."

The Bill passed First Reading by Title and was referred to the Printing Committee.



Senator Hewitt gave notice of his intention to introduce a Bill entitled "An Act to Regulate the Importation and Sale of Seed Into and Within the Territory of Hawaii."

Under suspension of the rules, Senator Hewitt introduced Senate Bill No. 112, entitled "An Act to Regulate the Importation and Sale of Seed Into and Within the Territory of Hawaii."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 17, entitled "An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.'"

Senator Robinson moved to strike out the figures "\$3600.00" in Section 4, lines 2 and 4, and insert in lieu thereof the figures "\$2400.00." Seconded by Senator Baker, and carried.

Senator Makekau moved to insert Section 1 as in the printed Bill. Seconded by Senator Hewitt, and lost.

Senator Makekau moved that the Bill be referred to the Judiciary Committee. Seconded by Senator Hewitt, and lost.

Senator Judd moved to further amend the Bill by inserting the words "as amended" after the word "thereof" in the title and in Section 1, line 2. Seconded by Senator Pali, and carried.

Upon motion by Senator Judd, seconded by Senator Robinson, the Bill passed Third Reading as amended on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Hewitt, Kalama, Pali, Robinson, and President Knudsen. Total, 10.

Noes: Senators Chillingworth and Makekau.

Absent and not voting: Senators Kaleiopu and Quinn.

Third Reading of Senate Bill No. 18, entitled "An Act to Provide for the Maintenance of the Public Schools."

Senator Makekau moved that action be deferred until Monday, April 3rd, 1911. Seconded by Senator Baker, and lost.

The Bill failed to pass Third Reading on the following division of Ayes and Noes:

Ayes: Senators Chillingworth, Fairchild, Judd, Kalama, Robinson, and President Knudsen. Total, 6.

Noes: Senators Baker, C. Brown, J. T. Brown, Hewitt, Makekau, and Pali. Total, 6.

Absent and not voting: Senators Kaleiopu and Quinn.

Third Reading of Senate Bill No. 84, entitled "An Act to

Amend Section 6 of Act 33 of the Session Laws of 1909, Relating to the Conservation and Development of Natural Resources Through Immigration and Other Means."

Upon motion by Senator Baker, seconded by Senator Judd, the Bill was referred to the Select Committee on Immigration.

Third Reading of House Bill No. 161, entitled "An Act Making Appropriations for the Benefit of Queen Liliuokalani."

Upon motion by Senator Pali, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Pali, Makekau, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kaleiopu and Quinn.

Senator Fairchild presented a Report (No. 168) from the Committee on Ways and Means, recommending that Senate Bill No. 36 be referred to the Committee of the Whole, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 36 relating to personal, income and property taxes, and the disposition thereof, report that they have had same under consideration, and are unable to agree thereon.

Under the provisions of this Act a rate of taxation of over one per cent. is possible, with which proposition a majority of this Committee do not agree. Should the Act to provide for the maintenance of public schools pass, and become law, amendments will be necessary to Section 5, to furnish funds necessary and provided by that Act for the support of such schools. Such amendments should be inserted first as paragraph or sub-division 4, and would read as follows:

"4. The Treasurer of the Territory shall similarly prepare and transmit to such Assessor an estimate of the amount of money required for that year to be raised from this tax and paid to the Treasurer of such County or City and County, for such school buildings and grounds under "An Act to Provide for the Maintenance of the Public Schools," and any other Act or Acts, which amount shall be one-half of the sums specified for such purposes for such County or City and County in the biennial school budget operative under said Act or Acts, at the time such estimate is made."

If this paragraph or sub-division is inserted the number of the next paragraph will have to be changed to 5. For the same reason, for inserting paragraph 4, there will have to be inserted at the end of paragraph 5 after the words "City and County" on line 22 of the printed bill, the following amendment:

"The amount for school purposes under this sub-division shall be an amount which shall bear the same ratio to one-half of the amount specified for all school purposes in said biennial budget plus the amount estimated to be required for that year in accordance with the salary schedule provided for in the Act or Acts referred to in sub-division 4 of this Section, less the amount estimated for school buildings and grounds under said sub-division 4, and less the amount of school taxes (provided for in Section 1200) collected during the preceding year, that the aggregate value of property in such County or City and County as assessed for the purpose of this tax during the preceding year bears to the aggregate value of property in this Territory as similarly assessed, exclusive of the property mentioned in the proviso of this Section."

Should the proposed amendments as hereinbefore set forth be made, a few other minor amendments will be necessary in relation to the renumbering of the sub-divisions and the insertion of the new number where such sub-divisions are recited.

Should the Senate desire to limit the rate of taxation to one per cent., and no more, it has been suggested that all that portion of sub-division 5 as re-numbered, now sub-division 4 of the printed Bill, commencing on line 28 after the word "basis," should be stricken out. That is, that all of that sub-division being a portion of line 28 and the whole of lines 29, 30, 31, 32, 33, 34, 35, 36, and that portion of line 37 ending at the words "one per cent.," should be stricken out, and the following provision inserted in the place of what is stricken out:

"If the rate so estimated for the purposes specified in sub-divisions 1 and 2 shall when added to the rate required for the purposes specified in sub-divisions 3, 4 and 5, make the total rate in excess of one per cent., the rate for the purposes specified in sub-divisions 1 and 2 shall be reduced so that such total rate shall be one per cent. If the estimates of the amounts required for the purposes specified in sub-divisions 1 and 2 shall not be transmitted to the assessor on or before the last day of January in that year, the assessor shall fix as the rate for the purposes specified in sub-divisions 1 and 2 the difference between the rate required for the purposes specified in sub-divisions 3, 4 and 5, and the maximum rate of one per cent. The rate thus determined for the purposes specified in sub-divisions 1 and 2 shall be divided in the proportion of

three-fourths for the purposes specified in sub-division 1, and one-fourth for the purposes specified in sub-division 2.

Under the circumstances, and considering that this Committee is unable to agree, it is recommended that Act 36 be referred to a Committee of the whole Senate for consideration and action.

Respectfully submitted,

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.

Honolulu, March 29, 1911.

Upon motion by Senator Baker, seconded by Senator Hewitt, the Report of the Committee was adopted, and Senate Bill No. 36 was referred to the Committee of the Whole.

Senator Fairchild presented a Report (No. 169) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 70, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 70, being an Act to amend Sections 2687-2688 of the Revised Laws relating to weights and measures, report that they have had the same under consideration.

The Act transfers the carrying out and enforcing of its provisions as to weights and measures from the Superintendent of Public Works to the Sheriff of the City and County or County, as the case may be. It also, so far as the fees are concerned for the work required by Section 2687, makes no charge for sealing and marking liquid or dry measure. The Act also provides that the Sheriff may deputize anyone of the employees in his office to do the work required.

We recommend that the Bill pass.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
WM. T. ROBINSON,  
CECIL BROWN.

Honolulu, March 29th, 1911.

Upon motion by Senator Pali, seconded by Senator Fairchild, the Report of the Committee was adopted; Senate Bill No. 70 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 170) from the Committee on Ways and Means, recommending that Senate Bill No. 75 be tabled, as follows:

Hon. E. A. Knudsen,  
President of the Senate,

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 75, report that they have had same under consideration.

The intention of this Act and its object, is to exempt from stamp duty all instruments of any nature executed by eleemosynary institutions, and also to provide that when any instrument is drawn providing for a re-issue of bonds, that stamps thereon shall be paid over again notwithstanding the fact that the instrument securing the original issue of bonds and of which the re-issue is to take the place had already paid the stamps required by law. As to the first provision, we do not see why any eleemosynary institution that is in a position to buy property or make investments should have any more privileges than the people at large, and should not from the fact of being an eleemosynary institution escape paying its share towards the expenses of carrying on the government where it has its being as well as the protection afforded thereby. As to the second provision, we believe that as the original instrument which secured the bonds first issued had already paid the stamp duties required by law, that the mere fact of the re-issue for the same amount, (in other words an extension of time in which to make payment of the original issue) should be re-taxed by stamping.

If, however, the amount of the issue should be decreased or increased, it would be a new loan and subject to stamp duties.

We recommend that the Bill be laid on the table.

Respectfully submitted,

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.

Honolulu, March 29th, 1911.

Upon motion by Senator Hewitt, seconded by Senator Baker, the Report of the Committee was adopted, and Senate Bill No. 75 was tabled.

Senator Fairchild presented a Report (No. 171) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 76, as follows:

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 76, being an Act authorizing the Registrar of Conveyances to make certain charges upon the filing of certain documents, report that they have had the same under consideration.

An attachment law was passed by the Legislature of 1905 and no provision was made for a fee for filing of notice of an attachment, when so done, in the office of the Registrar of Conveyances.

The Act in question fixes the fee of filing at One Dollar and the discharge of same at Twenty-five cents. We believe that the fees are reasonable and the work so done should be paid for and therefore recommend the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.

Honolulu, March 29th, 1911.

Upon motion by Senator C. Brown, seconded by Senator Kalamā, Senate Bill No. 76 was tabled.

Senator Fairchild presented a Report (No. 172) from the Committee on Ways and Means, recommending that Senate Bill No. 82 be tabled, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred

Senate Bill No. 82 being an Act to amend Section 1221 of the Revised Laws as amended by Act 141 of the Session Laws of 1909, being an Act to exempt certain property from taxes, report that they have had the same under consideration and report as follows:

The object of the Bill and the amendment proposed to Section 1221 is to exempt the real and personal property of the Young Men's Christian Association from taxation. This matter of exemption of this property has already been up at this present session in the House and refused. For this reason and also for the reason that this Committee deems it a bad precedent, they recommend that the Bill be laid on the table.

Respectfully submitted,

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.

Honolulu, March 29th, 1911.

Upon motion by Senator Fairchild, seconded by Senator Māhekeau, the Report of the Committee was adopted, and Senate Bill No. 82 was tabled.

Senator Fairchild presented a Report (No. 173) from the Committee on Ways and Means, recommending the passage of House Bill No. 159, as follows:

#### SENATE CHAMBER.

Honolulu, March 29, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom is referred House Bill No. 159, entitled "An Act to Amend Sections 1354 and 1355 of the Revised Laws of Hawaii, Relating to Billiards and Bowling Alleys" has had the same under careful consideration and begs leave to report as follows:

The provisions of the Bill seek to do away with the large vagrant gathering in billiard joints conducted by orientals. Gamblers are not to be permitted to secure license, and minors and females are to be prohibited from such licensed parlors or bowling alleys. Liquor is also to be strictly prohibited.

These provisions, the Committee believes, are for the best interests of the community at large.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.

Upon motion by Senator Kalama, seconded by Senator Hewitt, the Report of the Committee was adopted; House Bill No. 159 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Fairchild presented a Report (No. 174) from the Committee on Ways and Means, recommending the adoption of House Concurrent Resolution No. 12, as follows:

#### SENATE CHAMBER.

Honolulu, March 29, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Concurrent Resolution No. 12 relating to "Requesting the United States Experiment Station to Publish bulletins on certain Hawaiian Products," has had the same under due and careful consideration and begs leave to report as follows:

The provisions of the resolution, if carried out, the Committee finds would be a great value to those of Hawaii nei, who are interested in small farming, but who are not of the class generally known as experts. The publications desired will in a great measure instruct the people as to the best methods to pursue and how to combat destructive pests. From the reading of the resolution, no special appropriation is necessary.

Your Committee therefore recommends the adoption of the Resolution.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.



Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Report of the Committee was adopted, and House Concurrent Resolution No. 12 was adopted.

Senator Robinson presented a Report (No. 175) from the Committee on Education, recommending the passage of House Bill No. 35, as follows:

SENATE CHAMBER.

Honolulu, March 29, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Education to whom was referred House Bill No. 35, entitled "An Act to Amend the Title, Sections 1 and 2, Section 3 as Amended by Act 127 of the Session Laws of 1909 and Section 9 of Act 24 of the Session Laws of 1907, Relating to the College of Agriculture and Mechanic Arts" has had the same under due and careful consideration and begs leave to report as follows:

The Bill provides for the enactment of amendments deemed necessary by the Board of Regents and the Executive for the better government and management of the College of Hawaii, all of which the Committee finds material and proper.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

WM. T. ROBINSON,  
DAVID K. BAKER,  
GEO. H. FAIRCHILD.

Upon motion by Senator Kalama, seconded by Senator Fairchild, the Report of the Committee was adopted; House Bill No. 35 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Chillingworth presented a Report (No. 176) from the Committee on Military, recommending that Senate Bill No. 103 be referred to the Committee on Ways and Means.

REPORT ON SENATE BILL NO. 103.

Honolulu, Hawaii, March 29, 1911.

Hon. E. A. Knudsen,  
President of the Senate,

Sir:—

Your Committee on Military have had Senate Bill No. 103 under consideration, and find that while it believes in the construction of an Armory for the National Guard at Honolulu and at Lahaina, Hilo and Wailuku, Your Committee feels that the items in said Bill should be inserted in the Loan Fund, and would so recommend and further recommends that Senate Bill No. 103 be referred to the Ways and Means Committee.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.  
R. H. MAKEKAU.

The Report of the Committee was adopted, and Senate Bill No. 103 was referred to the Committee on Ways and Means.

Senator Chillingworth presented a Report (No. 177) from the Committee on Military, recommending the passage of House Bill No. 87, as follows:

REPORT ON HOUSE BILL NO. 87.

Honolulu, Hawaii, March 29, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Military have had under consideration House Bill No. 87, relating to the pay of the Militia of Hawaii and after careful consideration recommends its passage.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.  
R. H. MAKEKAU.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 87 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator Chillingworth presented a Report (No. 178) from the Committee on Military, recommending that Senate Bill No. 102 be tabled, as follows:

**REPORT ON SENATE BILL NO. 102.**

Honolulu, Hawaii, March 29, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Military have had under consideration Senate Bill No. 102, and in view of the fact that it has recommended the passage of House Bill No. 87, and whereas all matters set out in Senate Bill No. 102 are in House Bill No. 87, Your Committee recommends that Senate Bill No. 102 be laid on the table.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.  
R. H. MAKEKAU.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Report of the Committee was adopted, and Senate Bill No. 102 was tabled.

Senator Chillingworth presented a Report (No. 179) from the Committee on Military, recommending the passage of House Bill No. 117, as follows:

**REPORT ON HOUSE BILL NO. 117.**

Honolulu, Hawaii, March 29, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Military have had under consideration

House Bill No. 117 relating to hunting with fire-arms, wherein it seeks to turn over to the Treasurer of each County or City and County all fees collected by it, such fees to be used for preservation and importation of game birds.

Your Committee recommends the passage of the Bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,

Chairman.

R. H. MAKEKAU.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 117 passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 14) from the Select Committee of Hawaii Senators on House Bill No. 66, as follows:

#### SENATE CHAMBER.

Honolulu, March 29, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Select Committee, consisting of Senators from the first Senatorial District, to whom was referred House Bill No. 66, entitled "An Act to Amend Section 12A of Act 39 of the Session Laws of 1905, etc.," has had the same under careful consideration and now begs leave to report as follows:

The bill seeks to enact a law whereby the present law relating to the election of Supervisors in the County of Hawaii, according to apportionment in the said laws enumerated, and to provide for the election of three supervisors from the first Representatives District, three from the second Representative District and one at large who shall be Chairman of the Board of Supervisors.

The Committee, consisting of four members, fails to agree or to secure a majority report. Two of the Committeemen, namely: Senators Brown and Hewitt, are in favor of reporting that the bill be tabled, while Senators Baker and Makekau favor the passage of the Act.

The two Senators opposing the Bill and who recommend that

it be tabled do so for the reason that the majority of the people on the Island of Hawaii protest against any change in the existing conditions of the election law upon this subject. A large number of protests have been received, and if the Bill is passed, the election of inferior men would be the result.

In order to get a decisive vote on this question, we recommend that the Senate vote upon the question "Shall this Bill Pass Second Reading," which action will determine the fate of the Bill.

Respectfully submitted,

JOHN T. BROWN,  
Chairman.  
GEO. C. HEWITT.

Senator Makekau presented a Report (No. 15) from the Select Committee of Hawaii Senators on House Bill No. 66, as follows:

SENATE CHAMBER.

Honolulu, T. H., March 27, 1911.

Hon. E. A. Knudsen,  
President of the Senate,

Sir:—

Your Special Committee, consisting of the Hawaii members of the Senate, to which was referred House Bill No. 66, entitled "An Act to Amend Section 12A of Act 39 of the Session Laws of 1905, entitled 'An Act Creating Counties within the Territory of Hawaii and Providing for the Government Thereof,'" begs leave to respectfully report as follows:

The object of the Bill is to amend Section 12A of Act 39 of the Session Laws of 1905, by changing the manner of the election of the Supervisors of the County of Hawaii, so that three of them would be elected at large by the voters of the first representative district and three by those of the second district, and one at large by those of the whole County.

The proposed change is a very important one and in which your Committee believes it an improvement over the present form or manner of electing the Supervisors of said County. It further believes that the change would be for the best interest of the County as a whole, and that it would result in making matters more acceptable to those directly interested; and in consideration therefore, your Committee recommends

that said House Bill No. 66 pass with the following amendments.

Strike out the words "Chairman of the Board of Supervisors" at the end of Section 1, and insert in lieu thereof the following words: "Superintendent of public streets, highways, water and sewer works, parks, and other public property."

Together with the clauses hereunder to follow the foregoing amendment:

"He may, with the approval of the Board of Supervisors, appoint deputies and employees, who shall be subject to his management and control. Said Supervisor so elected at large shall, at the end of each month, make to the Board of Supervisors a detailed statement of all works undertaken and completed in the County under his control, and also a detailed financial statement setting forth all receipts and expenditures. He shall maintain his office at the County Seat and shall be allowed all his necessary travelling expenses.

"Every Supervisor shall be a person residing within the representative district for which he is a candidate and shall be elected at large by the duly qualified electors of such representative district, except the Supervisor elected at large who shall be elected by all the voters in the County of Hawaii.

"And provided, however, that the said Supervisor so elected at large shall be required to give a bond to the County of Hawaii in the sum of Fifteen Thousand Dollars (\$15,000.00)."

In conclusion, your Committee herewith appends said Bill as amended, with the recommendation that the same pass.

Respectfully submitted,

R. H. MAKEKAU,  
DAVID K. BAKER.

Upon motion by Senator Kalama, seconded by Senator Makekau, consideration of House Bill No. 66 upon Second Reading was deferred until Saturday, April 1, 1911.

A Communication (No. 132) from the House of Representatives, transmitting House Bill No. 192, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 29, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Dear Sir:—

I have the honor to transmit herewith House Bill No. 192,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 192, entitled "An Act to Prevent Public Officers and Employees from Being or Becoming Interested in Public Contracts."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Upon motion by Senator C. Brown, seconded by Senator Baker, Senate Bill No. 5, which had been referred to the Committee on Ways and Means, was returned to the table and referred to the Select Committee on Immigration.

At 12:48 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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### THIRTY-SEVENTH DAY.

Thursday, March 30, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Kaleiopu absent.

The Journal of the Thirty-sixth Day was read and approved.

A Communication (No. 42) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bill No. 35 and House Bill No. 96, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., March 30, 1911.

Honorable Eric A. Knudsen,  
President of the Senate, Legislature  
of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I have the honor to inform your Honorable Body that the Governor, on March 29, 1911, signed the following bills:

Senate Bill No. 35, as Act 40, entitled "An Act to Provide for Writs of Error in Certain Instances in Criminal Cases;"

House Bill No. 96, as Act 41, entitled "An Act to Amend Section 1 of Act 122 of the Session Laws of 1909 Relating to the Payment of the Expenses of the Several District Courts."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 133) from the House of Representatives, transmitting House Bill No. 48, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 29, 1911.

To the Honorable President and  
Members of the Senate  
of the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 48, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.



The Communication was received and placed on file.

First Reading of House Bill No. 48, entitled "An Act to Amend Act 55 of the Laws of 1909, Relating to Acquisition of Property for Public Purposes."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator J. T. Brown presented a Report (No. 180) from the Printing Committee, stating that Senate Bills Nos. 107, 108, 109, 110, 111 and 112 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

A Communication (No. 25) from Mr. James C. Davis, President, Territorial Teachers' Association, relative to pending legislation concerning the Public Schools, was read by the Clerk as follows:

Honolulu, T. H., March 28, 1911.

To the Honorable President and  
Members of the Senate,  
Honolulu, T. H.

Dear Sirs:—

The teachers of the public and private schools of Honolulu, members of the Territorial Teachers' Association, being deeply interested in the education of the children of the Territory, have carefully considered the Report of the School Fund Commission and believe the recommendations of the Commission to be in line with the best thought of the time.

The teachers of the Association do therefore petition your Honorable Body to enact into law the substance of the Report of the School Fund Commission.

Very respectfully,

JAMES C. DAVIS

President, Territorial Teachers' Association.

The Communication was received and placed on file.

Senator Robinson gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 26 of Act 119 of the Session Laws of 1907, Entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.' "

Under suspension of the rules, Senator Robinson introduced Senate Bill No. 113, entitled "An Act to Amend Section 26 of Act 119 of the Session Laws of 1907, Entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.' "

The Bill passed First Reading by Title and was referred to the Printing Committee.

Upon motion by Senator Judd, seconded by Senator C. Brown, the amendments made by the House to Senate Bill No. 63 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopu.

Third Reading of Senate Bill No. 55, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905 Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909 Relative to a Tax on Incomes for Immigration Purposes."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopu.

Third Reading of Senate Bill No. 85, entitled "An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation or Other Purposes, and for the Reclamation of Arid and Semi-Arid Lands in the Territory of Hawaii."

Upon motion by Senator Hewitt, seconded by Senator Makekau, consideration of the Bill upon Third Reading was deferred until Friday, March 31, 1911.

Third Reading of Senate Bill No. 70, entitled "An Act to Amend Sections 2687 and 2688 of the Revised Laws of Hawaii, Relating to Weights and Measures."

Upon motion by Senator Makekau, seconded by Senator Robinson, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopu.

Third Reading of House Bill No. 87, entitled "An Act Adding New Sections to Act 46 of the Session Laws of 1909, Relating to the Militia, to be Known as Sections 166, 167, 168 and 169."

Upon motion by Senator J. T. Brown, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopu.

Third Reading of House Bill No. 35, entitled "An Act to Amend the Title, Sections 1 and 2, Section 3, as Amended by Act 127 of the Session Laws of 1909, and Section 9 of Act 24 of the Session Laws of 1907, Relating to the College of Agriculture and Mechanical Arts."

Upon motion by Senator Judd, seconded by Senator Makekau, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopu.

Third Reading of House Bill No. 159, entitled "An Act to Amend Sections 1354 and 1355 of the Revised Laws of Hawaii, Relating to Billiards and Bowling Alleys."

Upon motion by Senator Hewitt, seconded by Senator Kalama, consideration of the Bill upon Third Reading was deferred until Friday, March 31, 1911.

Second Reading of House Bill No. 177, entitled "An Act to Amend Section 2356 of the Revised Laws of Hawaii, Relating to Fees of the Registrar of Conveyances."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 107, entitled "An Act to Amend Section 3192, Chapter 220, of the Revised Laws of Hawaii."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 108, entitled "An Act to Define, Regulate and License Emigrant Agents."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 109, entitled "An Act Making it a Misdemeanor to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or to Aid or Abet Such Leaving, and Providing Punishment Therefor."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 110, entitled "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading or Attempting to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or Aiding, Abetting or Attempting to Aid or Abet Such Leaving."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 111, entitled "An Act to Amend Chapter 28 of the Revised Laws, Relating to Agriculture and Forestry, by Adding a New Section Thereto to be Known as Section 386A."

Upon motion by Senator C. Brown, seconded by Senator Pali, the Bill passed Second Reading, and was placed on the Order of the Day for tomorrow for Third Reading.

Second Reading of Senate Bill No. 112, entitled "An Act to Regulate the Importation and Sale of Seed Into and Within the Territory of Hawaii."

Referred to the Committee on Manufactures, Forestry and Promotion.

Senator Judd presented a Report (No. 181) from the Judiciary Committee, recommending that Senate Bill No. 51 be tabled, as follows:

## REPORT ON SENATE BILL NO. 51.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 51, to Provide for the construction of a belt road around the Island of Hawaii, and a road from Kukuihaele Village to Waipio Gulch in the district of Hamakua, Island of Hawaii, and making special appropriations therefor, begs leave to report as follows:

As indicated by the title this bill seeks to provide for the construction of certain roads on the Island of Hawaii.

After careful consideration your Committee is of the opinion that this matter should be taken up and provided for in Senate Bill No. 50, To Provide for Public Improvements, when that bill comes up for consideration.

Your Committee therefore recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 30, 1911.

Upon motion by Senator Kalama, seconded by Senator Judd, the Report of the Committee was adopted, and Senate Bill No. 51 was tabled.

Senator Judd presented a Report (No. 182) from the Judiciary Committee, recommending that Senate Bill No. 52 be tabled, as follows:

## REPORT ON SENATE BILL NO. 52.

To the Honorable Eric A. Knudsen,  
President of the Senate:

Your Judiciary Committee, to whom was referred Senate Bill No. 52, to Provide for the reimbursement of the Territory for the cost of the Belt Road around the Island of Hawaii and

the road from Kukuihaele to Waipio Gulch, Hamakua, Island of Hawaii, begs leave to report as follows:

As indicated by the title the object sought to be attained by the passage of this bill is to provide for the manner in which the Territory shall be reimbursed for the money which may be used for the construction of certain roads on the Island of Hawaii.

After careful consideration your Committee is of the opinion that this matter should be taken up, and provided for in Senate Bill No. 50, To Provide for Public Improvements, when that bill comes up for consideration.

Your Committee therefore recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

March 30, 1911.

Upon motion by Senator Kalama, seconded by Senator Judd, the Report of the Committee was adopted, and Senate Bill No. 52 was tabled.

Senator Judd presented a Report (No. 183) from the Judiciary Committee, recommending the passage of Senate Bill No. 106, as follows:

REPORT ON SENATE BILL NO. 106.

To the Honorable E. A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 106, to prevent excessive County or City and County expenditures, liabilities and obligations, begs leave to report as follows:

As indicated by the title the object of this bill is to prevent the Counties and City and County from incurring liabilities and obligations beyond their means, and to prevent their spending more money than is warranted by the means at their command.

This bill carries out the recommendation made by the Governor in his message to the Legislature, page 11 of the printed copy of the message. Your Committee is thoroughly in accord with the purpose of this bill, and believes that it is a wise measure, and that there should be some check upon the anticipation of revenues.

Your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 30, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 106 passed Second Reading, and was placed on the Calendar for tomorrow for Third Reading.

Senator Judd presented a Report (No. 184) from the Judiciary Committee, recommending that House Bill No. 45 be tabled, as follows:

REPORT ON HOUSE BILL NO. 45.

To The Honorable E. A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 45, to regulate the incurring of indebtedness by county supervisors, officers and employees, begs leave to report as follows:

As indicated by the title the objects sought to be attained by this bill are to prevent the Counties or City and County spending money or incurring liabilities beyond the means at their command, or in other words to prevent them from anticipating their revenues.

Your Committee is thoroughly in accord with the purposes of this bill, but in view of the fact that Senate Bill No. 106 covering the same subject matter is much broader in its scope, and will better accomplish the purposes desired, your Committee has recommended that Senate Bill No. 106 be passed.

In view of the foregoing your Committee recommend that House Bill No. 45 be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 30, 1911.

The Report of the Committee was adopted and House Bill No. 45 was tabled.

Senator Judd presented a Report (No. 185) from the Judiciary Committee, recommending the passage of House Bill No. 140 with certain amendments, as follows:

REPORT ON HOUSE BILL NO. 140.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 140, To Amend Act 15 of the Session Laws of 1905, Amending Sections 3190 and 3191 of the Revised Laws of Hawaii, Regulating the observance of Sunday, and adding a new Section thereto, begs leave to report as follows:

This is the barbers' bill. In section 1 of the bill all that is sought to be done is to delete from the present statute the following words:

"and that barber shops may be kept open until eleven o'clock  
"in the forenoon."

Your Committee recommends the following amendments to this bill:

First: That all of the title of this bill be stricken out after the words "AN ACT" and that there be inserted in lieu thereof the following:

"To further amend Section 3190 of the Revised Laws of  
"Hawaii as amended by Section 1 of Act 15 of the Session  
"Laws of 1905, regulating the observance of Sunday."

Second: That the first two lines of Section 1, after the words "Section 1" be stricken out, and that there be inserted in lieu thereof the following:

"Section 3190 of the Revised Laws of Hawaii as amended by



Section 1 of Act 15 of the Session Laws of 1905, is hereby further amended so as to read as follows:"

Third: Strike out all of Sections 2 and 3. These sections are unnecessary in any event as they simply repeat without amendment Sections 2 and 3 of Act 15 of the Session Laws of 1905.

Fourth: Insert Section 2 to read as follows:

"Section 2. Nothing in this Act contained shall be construed to repeal or amend any other section of Act 15 of the Session Laws of 1905."

The object of this amendment is to prevent any conflict arising should Senate Bill No. 67, also a Sunday bill, which has passed the Senate, and is now in the House, become law.

Your Committee understands that the barber shop proprietors and barbers, at least in the City and County of Honolulu, are in favor of this bill, and your Committee sees no reason why their request should not be granted.

With the above amendments, your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 30, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 140 passed Second Reading as amended, and was placed on the Calendar for tomorrow for Third Reading.

Senator Judd presented a Report (No. 186) from the Judiciary Committee, recommending that House Bill No. 157 be tabled, as follows:

REPORT ON HOUSE BILL NO. 157.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 157. To Amend Section 7 of Act 125 of the Session

Laws of 1907, Defining, and Relating to, Estrays, begs leave to report as follows:

This Bill adds the following words to Section 7 of Act 125 of the Session Laws of 1907:

“and it shall be the duty of all police officers to apprehend  
“and convey such estray to the pound.”

After a careful consideration of the proposed amendment to the present statute your Committee finds no reason why the present law should be changed, it being found that the present law is entirely satisfactory.

Your Committee therefore recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 30, 1911.

Upon motion by Senator Kalama, seconded by Senator Hewitt, the Report of the Committee was adopted, and House Bill No. 157 was tabled.

Senator Judd presented a Report (No. 187) from the Judiciary Committee, recommending the passage of House Bill No. 192, as follows:

REPORT ON HOUSE BILL NO. 192.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 192, to prevent Public Officers and Employees, from being or becoming interested in Public Contracts, begs leave to report as follows:

As indicated by the title the purpose sought to be accomplished by this bill is to prevent public officers and employees from becoming pecuniarily interested in any public contract.

Your Committee desires to call attention to the fact that Senate Bill No. 6, covering the same subject passed the Senate, and this bill is a substitute bill from the House in place of

Senate Bill No. 6. This bill covers the subject more thoroughly, and your Committee is entirely in accord with it.

Your Committee recommends the passage of House Bill No. 192.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

March 30, 1911.

Upon motion by Senator Pali, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 192 passed Second Reading, and was placed on the Calendar for tomorrow for Third Reading.

Senator Judd presented a Report (No. 16) from the Select Committee on Immigration, recommending the passage of House Bill No. 85 with certain amendments, and the tabling of Senate Bill No. 84, as follows:

REPORT OF SELECT COMMITTEE ON IMMIGRATION ON  
HOUSE BILL 85 AND SENATE BILL 84.

Honorable Eric. A. Knudsen,  
President of the Senate.

Sir:—

Your Select Committee on Immigration to whom was referred House Bill 85, an Act to amend Section 6 of Act 33 of the Laws of 1909 and also Senate Bill 84, the object of which is to amend the same Section of the same Act, have met and carefully considered the two measures.

As your Committee has already stated in its report on Senate Bill 84 heretofore filed, the present conservation tax law expires of its own limitation on December 31, 1911. The House Bill in question extends the measure to December 31, 1915.

In view of the Committee's report on Senate Bill 84 the object of which bill is to remove all limitation as to the expiration of the tax measure and to place it on a par with other taxation statutes to be amended or repealed by subsequent Legislatures, the Committee recommends that House Bill 85

be amended by striking out all of Section 1 after the word "hereunder" in line seven. And the Committee recommends that the bill pass with the above amendment.

With reference to Senate Bill 84 the Committee recommends the measure be laid on the table as House Bill 85 if amended according to the Committee's suggestions will carry the intent of Senate Bill 84.

Respectfully submitted,

IMMIGRATION COMMITTEE,

ALBERT F. JUDD,  
Chairman.

R. H. MAKEKAU,  
P. PALI,  
GEO. H. FAIRCHILD.

March 30, 1911.

Upon motion by Senator Judd, seconded by Senator Hewitt, the Report of the Committee was adopted; House Bill No. 85 passed Second Reading as amended, and was placed on the Calendar for tomorrow for Third Reading, and Senate Bill No. 84 was tabled.

A Communication (No. 134) from the House of Representatives, transmitting House Bill No. 190, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES

Honolulu, T. H., March 30, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 190, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 190, entitled "An Act to Amend Section 118 of the Revised Laws of Hawaii, Providing for Withholding a Portion of the Salary or Wages of Officers or Employees Indebted to the Territory of Hawaii, or Any Municipal Corporation Thereof."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

At 11:50 o'clock A. M., the Senate resolved itself into a Committee of the Whole, Senator Judd in the Chair, for the consideration of Senate Bill No. 36.

At 12:26 o'clock P. M., the Committee rose, and Senator Judd presented a Report (No. 17), reporting progress and asking leave to sit again, as follows:

March 30, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to whom was referred Senate Bill No. 36, after a careful consideration of same, begs leave to report progress and asks leave to sit again.

Respectfully yours,

ALBERT F. JUDD,  
Chairman of Committee of the Whole.

The Report of the Committee was adopted.

A Communication (No. 43) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bill No. 46 and House Bill No. 161, was read by the Clerk as follows:

EXECUTIVE CHAMBER.  
Secretary of Hawaii.

Honolulu, T. H., March 30, 1911.

Honorable Eric A. Knudsen,  
President of the Senate, Legislature  
of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I take pleasure in notifying

your Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 46, as Act 42, entitled "An Act Relating to Expenses of District Magistrates, Amending Act 122 of the Laws of 1909;"

House Bill No. 161, as Act 43, entitled "An Act Making Appropriations for the Benefit of Queen Liliuokalani."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act Making Special Appropriation to Compensate Yee Yap for the Damages Suffered by Him by Reason of the Defective Title of Land Conveyed to Him by Land Patent (Grant) No. 61, Department of Public Works."

Under suspension of the rules, Senator Chillingworth introduced Senate Bill No. 114, entitled "An Act Making Special Appropriation to Compensate Yee Yap for the Damages Suffered by Him by Reason of the Defective Title of Land Conveyed to Him by Land Patent (Grant) No. 61, Department of Public Works."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 12:30 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## THIRTY-EIGHTH DAY.

Friday, March 31, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Thirty-seventh Day was read and approved.

A Communication (No. 135) from the House of Representatives, returning Senate Bill No. 77 with one amendment, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES,

Honolulu, T. H., March 30, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 77, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

In lines 7 and 8 of Section 1 of said Bill, strike out the words "fined Fifty Dollars" and insert in lieu thereof the words "guilty of a misdemeanor, and upon conviction shall be fined not to exceed fifty dollars."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Chillingworth, the amendment made by the House of Representatives to Senate Bill No. 77 was concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Hewitt.

A Communication (No. 136) from the House of Representatives, transmitting House Bill No. 151, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 30, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 151, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 151, entitled "An Act to Amend Section 459 of the Revised Laws of Hawaii, Relating to Game."

The Bill passed First Reading by Title and was referred to the Committee on Military.

Senator J. T. Brown presented a Report (No. 188) from the Printing Committee, stating that Senate Bills Nos. 113 and 114 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 113, entitled "An Act to Amend Section 26 of Act 119 of the Session Laws of 1907, Entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.'"

Referred to the Committee on Ways and Means.

Second Reading of Senate Bill No. 114, entitled "An Act Making Special Appropriation to Compensate Yee Yap for the



Damages Suffered by Him by Reason of the Defective Title of Land Conveyed to Him by Land Patent (Grant) No. 61, Department of Public Works."

Referred to the Committee on Ways and Means.

Third Reading of Senate Bill No. 85, entitled "An Act Giving Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation and Other Purposes, and for the Reclamation of Arid and Semi-Arid Lands in the Territory of Hawaii."

Senator Makekau moved that the Bill be tabled. Seconded by Senator Robinson, and lost.

Upon motion by Senator Quinn, seconded by Senator Chillingworth, consideration of the Bill upon Third Reading was deferred until Saturday, April 1, 1911.

Third Reading of Senate Bill No. 106, entitled "An Act to Prevent Excessive County or City and County Expenditures, Liabilities and Obligations."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of Senate Bill No. 111, entitled "An Act to Amend Chapter 28 of the Revised Laws, Relating to Agriculture and Forestry, by Adding a New Section Thereto, to be Known as Section 386A."

Upon motion by Senator Judd, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 85, entitled "An Act to Amend Section 6 of Act 33 of the Session Laws of 1909, Relating to Conservation and Immigration Tax."

Upon motion by Senator C. Brown, seconded by Senator Pali, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 13.

Noes: Senator Robinson.

Third Reading of House Bill No. 140, entitled "An Act to Further Amend Section 3190 of the Revised Laws of Hawaii, as Amended by Section 1 of Act 15 of the Session Laws of 1905, Regulating the Observance of Sunday."

Upon motion by Senator Quinn, seconded by Senator Judd, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Judd, Makekau, Quinn, and President Knudsen. Total, 8.

Noes: Senators J. T. Brown, Hewitt, Kalama, Kaleiopu, Pali, and Robinson. Total, 6.

Third Reading of House Bill No. 159, entitled "An Act to Amend Sections 1354 and 1355 of the Revised Laws of Hawaii, Relating to Billiards and Bowling Alleys."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 177, entitled "An Act to Amend Section 2356 of the Revised Laws of Hawaii, Relating to Fees of the Registrar of Conveyances."

Upon motion by Senator Quinn, seconded by Senator Robinson, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: Senator Makekau.

Third Reading of Senate Bill No. 192, entitled "An Act to Prevent Public Officers and Employees from Being or Becoming Interested in Public Contracts."

Upon motion by Senator Baker, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

A Communication (No. 44) from the Secretary of the Territory of Hawaii, informing the Senate of the appointment of Harry Klemme, Jr., as Disbursing Clerk for the Federal Appropriation for Legislative Expenses, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

**Secretary of Hawaii.**

Honolulu, T. H., March 30, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

I beg leave to inform you that Harry Klemme, Jr., was appointed by me on March 1, 1911, as clerk in my office to attend to the disbursing of the Federal appropriation for "Legislative Expenses, Territory of Hawaii, 1911." He is to receive a salary of \$75.00 a month.

Very respectfully yours,

E. A. MOTT-SMITH,  
Secretary of Hawaii, Special Disbursing  
Agent, U. S. Treasury Department.

The Communication was received and placed on file.

Senator Judd presented a Report (No. 189) from the Judiciary Committee, recommending the passage of Senate Bill No. 108 with certain amendments, as follows:

**REPORT ON SENATE BILL NO. 108.**

To Honorable Eric A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Sir:—

Your Judiciary Committee to which was referred Senate Bill No. 108, entitled "An Act to Define, Regulate and License Emigrant Agents," beg leave to report thereon as follows:

Your Committee are of the opinion that more stringent regulations than those existing under the present law (Session Laws of 1905, Act 57) are necessary to safeguard the interests of the laborers and employers of this Territory. So far from strict regulation of the business of emigrant agents being ground for attacking the constitutionality of the law, the courts have frequently expressed the opinion that such regulation is not only desirable, but necessary. The Supreme Court of North Carolina has said:

"It is of the greatest importance to all citizens of the state that the inexperienced and artless laborer may not be imposed upon by the fraudulent representations and other fraudulent practices of an emigrant agent; and it is one of the highest duties imposed upon the lawmakers to prevent such abuses by prescribing rigid and appropriate regulations under which the said occupation can alone be followed."

The Supreme Court of the United States has expressed a similar view in the following language:

"It would seem, moreover, that the business itself is of such nature and importance as to justify the exercise of the police power in its regulation. We are not dealing with single instances but with a general business and it is easy to see that if the business is not subject to regulation, the citizen may be exposed to misfortunes from which he might otherwise be legitimately protected."

Williams vs. Kears, 179 U. S. 270, 275.

Your Committee believe that the provisions of the present Bill are neither prohibitive nor unnecessarily restrictive. Any persons or corporations proposing to take laborers over the two thousand miles of water separating this Territory from the nearest land must necessarily engage in the business on a large scale and at considerable expense. The bond of Twenty-five Thousand Dollars, for example, does not seem unreasonable from this point of view, particularly when it is taken into consideration that each laborer in this Territory costs the conservative figure of One Hundred Dollars. A shipment of Two Hundred and Fifty laborers would amount to the Twenty-five Thousand Dollars required. The distance at which a laborer may find himself stranded if the representations of the agent are false imposes a corresponding obligation upon this Territory to protect him. The individual bond of One Hundred Dollars to be given for each laborer recruited is only a revival of a similar provision in Section 143 of the old civil code which exacted a bond in the same amount for each man taken from Hawaii by the whalers and which proved a salutary protection to the laborers in the days of the whal-

ing fleet. The other regulations prescribed by this Act are likewise designed to prevent irresponsible agents from misrepresenting the terms of proposed employment to the laborers they are recruiting and we think are justified under the circumstances above detailed.

Your Committee recommend several amendments to the Act, as follows, referring to the Bill as printed:

1st. Section 5, line 3, after the word "minor," insert "and in case said minor has no parent or guardian then of the Attorney General of the Territory."

2nd. Insert a new section numbered Section 6, as follows:

No emigrant agent shall induce, entice or persuade or attempt to induce, entice or persuade, any servant or laborer who shall have contracted either orally or in writing to serve his employer for a specific length of time, to leave the service of said employer during the term thereof, without the consent of said employer, nor shall he aid or abet any such servant or laborer in leaving said service during the term thereof, without the consent of said employer.

3rd. Renumber present Sections 6, 7, 8 as Sections 7, 8, 9 respectively.

4th. In Section 8 of the present Bill, being Section 9 of the Bill as amended, in line 3, after the word "conviction" insert "shall forfeit his license, if he has one, and shall."

5th. For the purpose of safeguarding the rights both of the public and of those who may hold licenses under the present Act, insert the following sections in place of the repealing section of the present bill:

Section 10. Act Fifty-seven of the Laws of 1905 is hereby repealed, except as to the offenses committed, acts done in violation of, or rights accrued or established under the provisions of said Act, and causes whether civil or criminal either pending at the time this Act shall go into effect, or subsequently brought to enforce any of the provisions of said Act; and as to every such offense, act, and right, and actions to enforce the same said Act above specified shall continue and remain in full force.

Section 11. Every emigrant agent holding license as such under the existing law shall comply with the provisions of this Act except that all vested or contract rights, if any, shall be preserved to him, and that the license fee hereinabove required shall not be payable by him during the unexpired term of his license.

6th. Renumber present Section 10 as Section 12.

With these amendments the Committee recommend that the Bill pass.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU

Dated, Honolulu, March 31, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Pali, the Report of the Committee was adopted, and Senate Bill No. 108 passed Second Reading as amended.

Third Reading of Senate Bill No. 108, entitled "An Act to Define, Regulate and License Emigrant Agents."

Upon motion by Senator Chillingworth, seconded by Senator Pali, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 12.

Noes: Senators Baker and Robinson.

Third Reading of Senate Bill No. 18, entitled "An Act to Provide for the Maintenance of the Public Schools."

Senator Makekau moved to insert in Section 4, line 5, after the words "Public Schools," the following: "within the County or City and County where such taxes were collected." Seconded by Senator Baker, and carried.

Upon motion by Senator Chillingworth, seconded by Senator Robinson, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Senator Judd presented a Report (No. 190) from the Judiciary Committee, recommending the passage of Senate Bill No. 109 with certain amendments, as follows:

## REPORT ON SENATE BILL 109.

Hon. Eric A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Sir:—

Your Judiciary Committee to whom was referred Senate Bill No. 109 entitled:

"An Act Making it a Misdemeanor to Induce, Entice or Persuade Servants or Laborers to Leave their Employment or to Aid or Abet such Leaving, and Providing a Punishment Therefor," beg leave to report thereon as follows:

Acts of this kind are common in all the southern states which like the Territory of Hawaii have agricultural resources in excess of available labor supply. Many of these states go much further than the bill in question; some states, in addition to the provisions of this bill making it a misdemeanor to harbor or employ servants during the term of their original employment. None of these have ever been declared unconstitutional, so your Committee has no reason to doubt either the constitutionality or the advisability of the proposed measure.

Nevertheless your Committee feels that the bill as introduced is wider than the mischief that it is intended to remedy and therefore recommends the following amendments, referring to the bill as printed:

First: In Section 1, line 1, strike out the words "himself or agent" and insert the word "promise of employment outside the Territory of Hawaii."

In Section 1, line 5, after the word "laborer" insert the words "so induced, enticed or persuaded."

With these amendments your Committee recommends that the bill pass.

Respectfully submitted,

JUDICIARY COMMITTEE,  
ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU.

March 31, 1911.

Upon motion by Senator Kalama, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 109 passed Second Reading as amended, and was placed on the Calendar for tomorrow for Third Reading.

Senator Judd presented a Report (No. 191) from the Judiciary Committee, recommending the passage of Senate Bill No. 110 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 110.

To Honorable Eric A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Sir:—

Your Judiciary Committee, to which was referred Senate Bill No. 110, entitled "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading, or Attempting to Entice, Induce or Persuade Servants or Laborers to Leave Their Employment, or Aiding, Abetting, or Attempting to Aid or Abet Such Leaving," begs to report thereon as follows:

In the absence of statute, it has been established at common law that a third person who legally entices a servant, knowing that he is in the employ of another, to quit such service, is liable in damages to the master (26 Cyc. 1580).

The leading case on this subject, familiar to all law students, is the English case of Lumley vs. Gye, 2 E. & B. 216, and in this country the case of Angle vs. Chicago etc. Railway Co., 151 U. S. 1, decided by the Supreme Court of the United States.

The English case of Lumley vs. Wagner, 1 De Gex Macnaghten and Gordon, 604, also decides that the injured party is entitled under some circumstances to relief in equity by injunction.

Nevertheless, it seems desirable to define clearly in the special class of cases sought to be reached by this act, both the common law and the equitable jurisdiction.

Your Committee recommends that the bill be amended so as to meet more specifically the mischief intended to be remedied, and therefore recommends the following amendments, referring to the bill as printed:

1. Section 1, line 1, after the word "persuading" insert "by promise of employment outside of the Territory of Hawaii."

2. Section 1, line 1, after the words "attempting to" insert the word "so."

Section 1, line 5, after the word "thereof" insert the words "for the purpose of leaving the Territory of Hawaii."

4. Section 2, line 3, after the word "threaten" insert the words "by promise of employment outside the Territory of Hawaii."



With these amendments your Committee recommends that the bill be passed.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

Dated, Honolulu, T. H., March 31, 1911.

Upon motion by Senator Kalama, seconded by Senator Fairchild, the Report of the Committee was adopted; Senate Bill No. 110 passed Second Reading as amended, and was placed on the Calendar for tomorrow for Third Reading.

At 11:34 o'clock A. M., the Senate resolved itself into a Committee of the Whole, Senator Judd in the Chair, for the further consideration of Senate Bill No. 36.

At 12:28 o'clock P. M., the Committee rose, reported progress and asked for further time in which to file a written report.

A Communication (No. 137) from the House of Representatives, transmitting House Bill No. 172, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 172, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 172, entitled "An Act Making Special Appropriation for the Payment of Certain Claims Against the Department of Public Works, Incurred During the Period Ending June 30, 1911."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 138) from the House of Representatives, transmitting House Bill No. 210, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 210, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 210, entitled "An Act to Define, Regulate and License Emigrant Agents."

The Bill passed First Reading by Title and was placed on the Order of the Day for tomorrow for Second Reading.

At 12:30 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## THIRTY-NINTH DAY.

Saturday, April 1, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Robinson absent.

The Journal of the Thirty-Eighth Day was read and approved.

A Communication (No. 45) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 35 and 117 and Senate Bills Nos. 77 and 63, was read by the Clerk as follows:

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 1, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

I am directed by the Secretary of Hawaii to inform your Honorable Body that the Governor on March 31, 1911, signed the following bills:

House Bill No. 35, as Act 44, entitled "An Act to Amend the Title, Section 1 and 2, Section 3, as Amended by Act 127 of the Session Laws of 1909, and Section 9 of Act 24 of the Session Laws of 1907, Relating to the College of Agriculture and Mechanic Arts;"

House Bill No. 117, as Act 45, entitled "An Act to Amend Act 116 of the Session Laws of 1907, Relating to Hunting with Fire-arms;"

Senate Bill No. 77, as Act 46, entitled "An Act to Provide for the Compulsory Filing of Plans of Subdivisions of Tracts of Land from Which Lots are to be Sold, or Leased, by Lot Number and Block Number;"

Senate Bill No. 63, as Act 47, entitled "An Act Relating to Expenditures of Public Money, Amending Section 1 of Act 62 of the Laws of 1909, and Adding a New Section Thereto."

Very Respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk

The Communication was received and placed on file.

A Communication (No. 139) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 85, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the amendment made by the Senate to House Bill No. 85, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Rice, Long and Correa.

Very Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, and the Chair appointed Senators Judd, C. Brown and J. T. Brown as Senate Conferees for the further consideration of House Bill No. 85.

A Communication (No. 140) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 140, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

Senate amendments to House Bill No. 140 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 141) from the House of Representatives, returning Senate Bill No. 30 with certain amendments, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 30, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii, with the following amendments:

(1) Amend the title so as to read "An Act to Amend Section 1 of Act 31 of the Session Laws of 1905, Relating to Licenses for Dealers in Second-hand Goods, and to Add a new Section thereto, to be known as Section 2A."

(2) After Section 1 insert the following:

"Section 2. A new Section is hereby added to said Act to be known as Section 2A and to read as follows:

'Section 2A. If any licensee under this Act shall close out, transfer or assign the business for which a license is held, during the term for which the same was issued, he shall, within thirty days from the date of such closing out, transfer or assignment, notify the treasurer of such fact in writing, and return said license to the Treasurer for cancellation, under a penalty for failure so to do of one hundred dollars.' "

(3) Renumber Section 2, "Section 3."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Baker, seconded by Senator C. Brown, the amendments made to Senate Bill No. 30 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Robinson.

A Communication (No. 142) from the House of Representatives, returning Senate Bill No. 39 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 39, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 3, sub-section (b) of Section 4, after the word "brakes," insert the words "and in the case of cars weighing more than 30,000 pounds, with air brakes."

In line 5 of paragraph 2, sub-section (e) of said Section, insert before the word "sufficiency" the words "form and;" strike out the word "and" after the word "completion" in the same line; and insert the words "and complete operation" before the words "of at least two miles" in line 6 of said paragraph.

At the end of Section 17 change the period to a semicolon, and add the words "or such other sum as the Legislature of the Territory of Hawaii may at that time, or any time thereafter, fix not to exceed, however, two and one-half per cent of the gross receipts."

Amend Section 20 to read as follows:

"Section 20. This Act shall go into effect and be law from and after the date of its approval by the Governor of the Territory of Hawaii; subject, however, to the approval of the

Congress of the United States, such approval to be secured within four years from the date of this Act becoming law."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Makekau, seconded by Senator Chillingworth, the amendments to Senate Bill No. 39 were not concurred in, whereupon the Chair appointed Senators Makekau, Chillingworth and Fairchild as a Conference Committee for the further consideration of the Bill.

A Communication (No. 143) from the House of Representatives, transmitting House Bill No. 75, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 75, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 75, entitled "An Act to Repeal Chapter 73 of the Revised Laws of Hawaii."

The Bill passed First Reading by Title and was laid upon the table to be taken up for consideration later.

A Communication (No. 144) from the House of Representatives, transmitting House Bill No. 174, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 174,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 174, entitled "An Act Mak-  
ing Special Appropriations to Pay Certain Claims Against the  
Territory of Hawaii."

The Bill passed First Reading by Title and was referred to  
the Committee on Ways and Means.

A Communication (No. 145) from the House of Representa-  
tives, transmitting House Bill No. 179, was read by the Clerk  
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., March 31, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 179,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.



The Communication was received and placed on file.

First Reading of House Bill No. 179, entitled "An Act Amending Section 2621 of Chapter 159 of the Revised Laws of Hawaii, as Amended by Act 77 of the Session Laws of 1905, Act 124 of the Session Laws of 1907, and Act 126 of the Session Laws of 1909, Relating to Insurance Corporations and Companies."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

Third Reading of Senate Bill No. 85, entitled "An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation and Other Purposes, and for the Reclamation of Arid and Semi-Arid Lands in the Territory of Hawaii."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill was referred to the Judiciary Committee.

Third Reading of Senate Bill No. 109, entitled "An Act Making it a Misdemeanor to Induce, Entice or Persuade Servants, or Laborers to Leave Their Employment, or to Aid or Abet Such Leaving, and Providing a Punishment Therefor."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 11.

Noes: Senator Baker.

Absent and not voting: Senators Robinson and Fairchild.

Third Reading of Senate Bill No. 110, entitled "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading or Attempting to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or Aiding, Abetting or Attempting to Aid or Abet Such Leaving."

Upon motion of Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn and President Knudsen. Total, 11.

Noes: Senator Baker.

Absent and not voting: Senators Robinson and Fairchild.

Second Reading of House Bill No. 66, entitled "An Act to Amend Section 12A of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof.'"

Consideration deferred until April 4th, 1911, upon motion by Senator Baker, seconded by Senator Hewitt.

Second Reading of House Bill No. 210, entitled "An Act to Define, Regulate and License Emigrant Agents."

Senator Judd moved the following amendments:

Amendments: Alter Section 10 so as to read as follows:

Section 10. Act fifty-seven of the Laws of 1905 is hereby repealed, except as to the offenses committed, act done in violation of, or rights accrued or established under the provisions of said Act, and causes whether civil or criminal, either pending at the time this Act shall go into effect, or subsequently brought to enforce any of the provisions of said Act; and as to every such offense, and right, and actions to enforce the same, said Act above specified shall continue and remain in full force.

Add a new section to be known as Section 11 to read as follows:

Section 11. Every emigrant agent holding a license as such under existing law which complies with the provisions of this Act, except that all vested or contract rights, if any, shall be preserved to him, and that the license fee hereinabove required shall not be payable by him during the unexpired term of his license.

Renumber the present Section 11 so that the same shall be Section 12.

Strike out the word "this" in line 5 of Section 9, and insert in lieu thereof the word "his."

Seconded by Senator C. Brown, and carried.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Second Reading as amended, and was placed on the Calendar for Monday, April 3, 1911, for Third Reading.

Senator Judd presented a Report (No. 18) from the Committee of the Whole on Senate Bill No. 36, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, Hawaii, April 1, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to which was referred Senate Bill No. 36, entitled "An Act Relating to Personal, Income and Property Taxes and the Disposition of the Proceeds Thereof, Amending Certain Laws and Repealing Others," after due and careful consideration, recommends the passage of the Bill with the following amendments, to wit:

In line 14 of the Printed Bill Section 1212 subdivision 1 after the numeral "3" insert the following:

"4 and 5 of this section"

After subdivision 3 insert a new subdivision to be known as subdivision 4, and to read as follows:

"4. The Treasurer of the Territory shall similarly prepare and transmit to such assessor an estimate of the amount of money required for that year to be raised from this tax and paid to the Treasurer of such county or city and county for school buildings and grounds under 'An Act to Provide for the Maintenance of the Public Schools' and any other Act or Acts, which amount shall be one-half of the sums specified for such purposes for such county or city and county in the biennial school budget operative under said Act or Acts at the time such estimate is made."

Renumber subdivision 4 of the Printed Bill subdivision 5, and at the end of subdivision 5 insert the following, to wit:

"The amount for school purposes under this subdivision shall be an amount which shall bear the same ratio to one-half of the amount specified for all school purposes in said biennial budget plus the amount estimated to be required for that year in accordance with the salary schedule provided for in the Act or Acts referred to in subdivision 4 of this Section less the amount estimated for school buildings and grounds under said subdivision 4 and less the amount of school taxes (Provided for in Section 1200) collected during the preceding year, that the aggregate value of property in such county or city and county as assessed for the purposes of this tax during the preceding year bears to the aggregate value of property in the Territory, as similarly assessed, exclusive of the property mentioned in the proviso of this Section."

In line 26, Page 3 of the Printed Bill after the numeral "3" insert the numerals "4" and "5."

In line 38, Page 4 of the Printed Bill, after the word "said" strike out the word "four" and insert in lieu thereof the word "five."

In line 22, Page 6 of the Printed Bill after the word "subdivision" strike out the numeral "4" and insert in lieu thereof the numeral "5."

In line 24 of the same Page of the Printed Bill after the numeral "2" insert the numerals "3" and "4."

In line 29 of the same Page of the Printed Bill after the word "subdivision" strike out the numeral "4" and insert in lieu thereof the numeral "5."

In line 31 of the same Page of the Printed Bill after the numeral "3" insert the numerals "4" and "5."

Respectfully submitted,

ALBERT F. JUDD,  
Chairman.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted; Senate Bill No. 36 passed Second Reading as amended, and was placed on the Calendar for Monday, April 3, 1911, for Third Reading.

Senator Fairchild presented a Report (No. 192) from the Committee on Ways and Means, recommending that Senate Bill No. 103 be laid on the table to be taken up for consideration with the Appropriation Bill, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 103, being an Act to appropriate money for the construction of Armories for the National Guard of Hawaii in Honolulu and Lahaina as also to erect additional store-rooms in the Armories at Hilo and Wailuku, report that they have had same under consideration; the Act asks for \$125,000 for the Armory in Honolulu and the sum of \$10,000 for the Armory at Lahaina, and the additional store-houses at Hilo and Wailuku.

This Committee while not objecting to the improvements contemplated by the Bill, fail to see and are unaware where the money needed is to come from unless out of any money obtained under the Loan Act which is still in the hands of this Committee.

The income of the general or current income of the Territory has now a fixed and first call upon it under the Bill relating to the maintenance of Public Schools, and there are many other needs and calls for objects and improvements more necessary

for the good of the Territory out of the general fund or income than the objects which this Act seeks to provide for. Under these circumstances, the Committee recommend that the Act be laid on the table and taken up and be considered with the Loan Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
CECIL BROWN,  
E. W. QUINN.

Honolulu, April 1st, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Report of the Committee was adopted; Senate Bill No. 103 was laid on the table to be taken up for consideration with the Appropriation Bill.

Senator Fairchild presented a Report (No. 193) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 79, as follows:

SENATE CHAMBER.

Honolulu, April 1, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill 79, being an Act to amend Section 1335 of the Revised Laws of Hawaii as amended, which relates to the sale of awa, report that they have had the same under consideration. The object of the Bill is to reduce the license to sell awa from \$500.00 a year to \$300.00 in the City and County of Honolulu, the license fee for the rest of the awa districts remain the same as provided by Act 90 of the Session Laws of 1907. There has been some talk, that the fee of \$500 for this District is too high and tends to a monopoly.

We recommend that the Bill pass.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.  
JOHN T. BROWN,  
E. W. QUINN,  
CECIL BROWN.

Upon motion by Senator Makekan, seconded by Senator Hewitt, consideration of the Bill (Senate Bill No. 79) was deferred until Monday, April 3, 1911.

Senator Fairchild presented a Report (No. 194) from the Committee on Ways and Means, recommending the passage of House Bill No. 154, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred House Bill No. 154, report that they have had same under consideration.

The object of the Bill is to reduce the stamp duty on documents which have to be paid before being recorded. The law is now that all deeds under a consideration of \$500, pay a stamp duty of \$1.00, and above \$500 and not exceeding \$1000, \$2.00. The Act in question seeks to make the stamp duty for the consideration of any sum up to and less than \$1000, \$1.00, and when exceeding \$1000 and less than \$10,000 or any fractional part thereof, at the rate of \$3.00 per thousand, and when over \$10,000 and not exceeding \$50,000, \$4 per thousand, and when over \$50,000 or any fractional part thereof, at the rate of \$5 per thousand, and these are the principal amendments made by this Act.

There are others relating to stamp duty on exchange, partition and mortgage deeds whereby any transaction involving less than \$1000 are exempt. Section 1320 has been the source of considerable revenue to the Territory. It is not a matter that has been generally enacted in other States or Territories.

The call upon the Treasury of the Territory for appropriations by this Legislature will from appearances be large and as the proposed amendment will make but a small difference in the average transactions of the Territory.

We recommend the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
E. W. QUINN.  
CECIL BROWN,

Honolulu, April 1st, 1911.

Upon motion by Senator Fairchild, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 154

passed Second Reading, and was placed on the Calendar for Monday, April 3, 1911, for Third Reading.

Senator Fairchild presented a Report (No. 195) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 68 with one amendment, as follows:

SENATE CHAMBER.

Honolulu, April 1, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill No. 68, entitled "An Act Providing for the Purchase of Certain Lands, Water Rights and Water Ways in Palolo Valley and in Palolo Hill Tract in the City and County of Honolulu, Territory of Hawaii," has had the same under due and careful consideration and begs leave to report as follows:

The object of the Bill is to provide adequate means of supplying water to the people living in Palolo Valley and vicinity, and the acquisition of the land and water rights in said valley, in the opinion of the Committee, tend to improve the general water supply system of the City of Honolulu. Expenditures made therefor, will, in time, under proper supervision, more than repay the Territory for this outlay by the revenues naturally to result.

In order to insure the proper carrying out of the provisions of the proposed Act, it is necessary to make some amendments to the Bill, as follows:

Amend paragraph 2 of Section 1 so as to read as follows:

"(2) a deed of bargain and sale of all water rights and water ways including all necessary rights of way for pipe-lines owned by it, said Palolo Land and Improvement Company, Limited, in said Palolo Valley and in and appurtenant to the lands hereinabove described: that the amount of said waters be not less than the minimum amount of one million gallons of water per day: that the sum of \$40,000.00 the purchase price of the water rights, crater and water sheds, and all rights of way for pipe-lines and necessary for the transportation and storage of water in Palolo Valley, be paid to the Palolo Land and Improvement Company, Limited, only upon the certificate of the Superintendent of Public Works showing that for a period in no case to exceed twelve months after the approval of this Act, (or for such shorter period as may satisfy said

Superintendent of Public Works of the permanency of the supply) the volume of water conveyed by the Palolo Land and Improvement Company, Limited, has been not less than an average minimum amount of one million gallons per 24 hours, and that such one million gallons is at such an elevation as will insure a domestic supply of water on the slopes of Palolo and Kaimuki, at an elevation of not less than 850 feet, such quantity of water to be from the run of the streams and not from any storage works of any character whatsoever: that the Superintendent of Public Works shall, immediately upon the approval of this Act install the necessary weirs and recording apparatus, as may be necessary: that immediately following the acceptance, the Superintendent of Public Works shall begin the construction of the pipe-line from the source of supply to the Palolo Hill Tract, said pipe-line to bring out water at an elevation of not less than 850 feet."

With this amendment the Committee recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.  
JOHN T. BROWN,  
CECIL BROWN,  
E. W. QUINN,

Upon motion by Senator Fairchild, seconded by Senator J. T. Brown, the Report of the Committee was adopted; Senate Bill No. 68 passed Second Reading as amended, and was placed on the Calendar for Monday, April 3, 1911, for Third Reading.

Senator Judd presented a Report (No. 196) from the Judiciary Committee, recommending that Senate Bill No. 104 be tabled, as follows:

REPORT ON SENATE BILL NO. 104.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 104, To Amend Section 2284 of the Revised Laws of Hawaii, as amended by Act 43 of the Session Laws of 1905, Relating to the Widow's Election of Dower, begs leave to report as follows:

Under the present law it is provided that a widow shall, within six months after the probate of the Will of her husband,



elect whether she will take under the will of her husband or be endowed, and that in case no election is made she shall be presumed to have reserved her dower. The present bill seeks to change this in several material particulars. It provides that she shall make her election but no time is limited as under the old law. This bill also provides that if the widow fails to elect within six months after the probate of the will of her husband, then the executor of the will shall apply for an order citing the widow to appear and make her election. However, there is nothing to compel her to make her election if she does not so desire at that or any other time.

Your Committee is of the opinion that the present law is plain, specific and unambiguous, and furthermore amply protects the interests of the widow. Further, that under the present law there is no possibility of titles to land being in question through failure of the widow to elect. Under the proposed bill it is the opinion of your Committee that the administration of estates will be tied up through refusal of the widow to elect, and that the titles to land will in many instances be clouded because of neglect on the part of the executors under a will, or because of neglect or refusal of a widow to elect. No one can be sure of the title to land which formerly belonged to a person since deceased, without going carefully over the records of the Courts, to see whether any election has been made, whether the executor has applied for the order provided for in Section 2, whether an election was made after the issuance of such an order, and if no election has been made, whether the widow is living or dead.

For the foregoing reasons, and the confusion liable to arise in land titles, and further in view of the fact that the present law is entirely satisfactory, your Committee recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

April 1, 1911.

Committee.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted, and Senate Bill No. 104 was tabled.

Senator Kalama presented a Report (No. 197) from the Committee on Public Lands and Internal Improvements, recommending the passage of House Bill No. 30, as follows:

## SENATE CHAMBER.

Honolulu, April 1, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred House Bill No. 30, being An Act to provide for the construction of Roads to and upon Public Lands opened for Homestead, residence and other purposes, has had the same under careful consideration and begs leave to report as follows:

It is the opinion of the Committee that making such provisions as would tend to encourage the taking up of homesteads is a wise legislation, which should receive the hearty co-operation of every person having the best interests of the community at heart.

Your Committee therefore recommends the passage of the Bill.

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
GEO. C. HEWITT.

Upon motion by Senator Pali, seconded by Senator Hewitt, the Report of the Committee was adopted; House Bill No. 30 passed Second Reading, and was placed on the Calendar for Monday, April 3, 1911, for Third Reading.

Senator Fairchild presented a Report (No. 198) from the Committee on Ways and Means, recommending that Senate Bill No. 49 be laid on the table to be taken up for consideration with the Appropriation Bill, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 49 report that they have had the same under consideration.

The bill was introduced for the purpose of obtaining an appropriation of \$4,500 wherewith to pay James Quinn for the total loss and destruction of an automobile caused by negligence of the Territorial officers in not providing the so-called Hackfeld Wharf in the City of Honolulu with proper and suffi-

cient lights at night while a large passenger and freight boat was lying alongside that wharf on the night of June 11, 1909. The would be beneficiary under this Act was advised by his attorneys that he had under the law as existing no remedy against the Territory; hence the appeal to the Legislature.

The Committee had a hearing, and from the evidence adduced, are satisfied that there were no lights burning or put upon the wharf where the accident happened, or near the place; that it was a very dark night; that the wharf was under repair, being replanked, and that the side stringers that run along both sides of the wharf at a height of, say, from 8 to 10 inches from the floor had been removed; these stringers or protectors prevented as a rule any vehicle from going over the side of the wharf into the harbor. The automobile belonging to Mr. Quinn went over the side of the wharf into the harbor, and was burnt up, and became utterly useless and of no value to the owner. One of the passengers was injured seriously, and was compelled to remain over in the Queen's Hospital, and resume the voyage to San Francisco by a boat leaving some 3 or 4 weeks later.

At the hearing it was admitted that the automobile did not have its accetylene gas lamps lighted, but continued down onto the wharf under its side kerosene lights only. This Committee is of the opinion that had Mr. Quinn before going onto the wharf, seeing no lights upon it, that it was very dark, and knowing that on occasions of arrival of passenger and freight boats from the East, there are always a large number of passenger vehicles and foot passengers going to and from the vessels, lighted his acetylene gas lights, that these lamps would have cast in front and on the sides of the automobile a sufficiency of light to have prevented the happening of this accident. This Committee cannot but call attention to the fact that the person in charge of the wharf was negligent in his duties in not providing lights upon it, and especially at the sides where stringers had been taken up. We also are of the opinion that it was negligence on the part of Mr. Quinn in not having his acetylene gas lamps alight under the circumstances.

We therefore recommend that the bill be laid upon the table; and should the Legislature care to insert the claim in the Appropriation Bill, it can come up when it is under consideration.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
CECIL BROWN,  
E. W. QUINN.

Honolulu, April 1, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Hewitt, the Report of the Committee was adopted, and Senate Bill No. 49 was laid on the table.

A Communication (No. 146) from the House of Representatives, transmitting House Bill No. 137, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 1, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 137, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 137, entitled "An Act to Amend Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

The Bill passed First Reading by Title and was referred to a Select Committee composed of the Senators from Kauai, Senator Fairchild, Chairman.

A Communication (No. 147) from the House of Representatives, transmitting House Bill No. 141, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 141,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 141, entitled "An Act to Amend Section 1613 of the Revised Laws of Hawaii, as Amended by Section 2 of Act 50 of the Session Laws of 1905, Relating to Commutation."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 148) from the House of Representatives, transmitting House Bill No. 211, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 211, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 211, entitled "An Act Making it a Misdemeanor to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or to Aid or Abet Such Leaving, and Providing a Punishment Therefor."

The Bill passed First Reading by Title and was laid on the table pending action by the House on Senate Bill No. 109.

A Communication (No. 149) from the House of Representatives, transmitting House Bill No. 212, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 212, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very truly yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 212, entitled "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading or Attempting to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or Aiding, Abetting or Attempting to Aid or Abet Such Leaving."

The Bill passed First Reading by Title and was laid on the table pending action by the House on Senate Bill No. 110.

At 12:01 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FORTIETH DAY.

Monday, April 3, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senators Hewitt, Pali and Robinson absent.

The Journal of the Thirty-ninth Day was read and approved.

A Communication (No. 150) from the House of Representatives, returning Senate Bill No. 53, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 53, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 151) from the House of Representatives, naming the House Conferees for the further consideration of Senate Bill No. 39, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform you that, in accordance with the

non-concurrence of your Honorable Body in the amendments made by the House to Senate Bill No. 39, the Speaker of the House has this day appointed the following to act as a Conference Committee for the further consideration of said Bill: Representatives Affonso, Walaholo and Kawewehi.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 152) from the House of Representatives, transmitting House Bill No. 142, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 1, 1911.

The Honorable President, and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 142, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 142, entitled "An Act Relating to the Duties of the Sheriffs of the Several Counties or City and County, or the Officer or Person in Charge of Any Jail, in the County, or City and County, in Regard to the Services of an Attorney for Persons About to be Confined in Such Jail Upon a Charge of Any Offense."

The Bill passed First Reading by Title and was placed on the Calendar for Tuesday, April 4, 1911, for Second Reading.

A Communication (No. 153) from the House of Representa-



tives, transmitting House Bill No. 196, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 1, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 196, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 196, entitled "An Act Relating to the Employment of Prisoners in the County and City and County Jails."

The Bill passed First Reading by Title and was placed on the Calendar for Tuesday, April 4, 1911, for Second Reading.

A Communication (No. 154) from the House of Representatives, transmitting House Concurrent Resolution No. 17, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 1, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 17, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

## CONCURRENT RESOLUTION.

WHEREAS, a large number of taxpayers and voters have petitioned the Sixth Legislature of the Territory of Hawaii to set aside as a public park and playground that certain piece of land in Nuuanu Valley commonly called "The Queen Emma Place," a correct description of which is hereto attached, and

WHEREAS, said land is well adapted to the purposes of recreation and rest and is situated in a locality having no park, and

WHEREAS, consideration for the historical association or value of this estate would suggest that it should be preserved as a public place,

THEREFORE, BE IT RESOLVED by the House of Representatives of the Sixth Legislature of Hawaii, the Senate concurring, that "The Queen Emma Place" in Nuuanu Valley, City and County of Honolulu, as described in the Government Survey hereto attached, be set aside and reserved as a Park, to be known as "Nuuanu Park," and that the Governor or other proper authorities of the Territory of Hawaii are hereby requested to take, without delay, the necessary legal steps to put into force and effect the purposes of this Concurrent Resolution.

Description of Lot known as "Hanaiakalama," situate at Kaukahoku, in Nuuanu Valley, Kona, Oahu, and including Grant 97 to J. G. Lewis and portion of Land Commission Award 1476 to Iwiula:

Beginning at a point on the Southwest side of Puiwa Lane, marked by a pipe set in the ground, said point having an azimuth and distance of  $84^{\circ} 54' 18.8$  feet from Government Survey Street Monument, said Monument being North 2602.8 feet and East 1415.2 feet from Government Survey Trig. Station "Rosebank," and running by true azimuths:

1.  $140^{\circ} 47' 40''$  187.0 feet along the Southwest side of Puiwa Lane to an iron pipe;
2.  $147^{\circ} 17'$  120.3 feet along the Southwest side of Puiwa Lane to an iron pipe;
3.  $152^{\circ} 49'$  241.3 feet along the Southwest side of Puiwa Lane to the South corner of Nuuanu Road and Puiwa Lane, marked by an iron pipe;
4.  $63^{\circ} 45'$  300.9 feet along the Southeast side of Nuuanu Road to an iron pipe;
5.  $61^{\circ} 56'$  85.8 feet along the Southeast side of Nuuanu Road to an iron pipe;

6. 56° 03' 140.4 feet along the Southeast side of Nuuanu Road to an iron pipe;
7. 43° 24' 83.6 feet along the Southeast side of Nuuanu Road to the North corner of a granite post;
8. 28° 07' 30" 259.8 feet along the Southeast side of Nuuanu Road to an iron pipe;
9. 320° 09' 89.9 feet along remainder of L. C. A. 1476 to Iwiula;
10. 230° 42' 37.7 feet along top of bank to point marked by an iron pipe;
11. 319° 11' 5.9 feet to cross on rock at base of retaining wall;
12. 230° 00' 20" 143.5 feet along base of retaining wall to center of stone wall marked by an iron pipe along L. C. A. 1477 to Kulele;
13. 341° 34' 30" 156.0 feet along middle of stone wall to angle along L. C. A. 1477 to Kulele;
14. 328° 48' 170.6 feet along middle of stone wall to angle along L. C. A. 1477 to Kulele;
15. 321° 37' 20" 49.9 feet along middle of stone wall to angle along L. C. A. 1477 to Kulele;
16. 327° 50' 20" 30.9 feet along middle of stone wall to angle along L. C. A. 1477 to Kulele;
17. 241° 28' 30" 115.3 feet along middle of stone wall to angle along L. C. A. 85 to Thomas Phillips;
18. 246° 51' 96.8 feet along middle of stone wall to angle along L. C. A. 85 to Thomas Phillips;
19. 235° 08' 50" 149.7 feet along middle of stone wall to angle along L. C. A. 85 to Thomas Phillips;
20. 240° 36' 80.3 feet along middle of stone wall to angle along L. C. A. 1329, Apana 1 to Kaaa;
21. 228° 57' 48.8 feet along middle of stone wall to angle along L. C. A. 1329, Apana 1 to Kaaa;
22. 224° 27' 40" 97.8 feet along middle of stone wall to angle along L. C. A. 1341 to Kanakahou;
23. 218° 18' 99.2 feet along middle of stone wall along L. C. A. 1341 to Kanakahou and L. C. A. 1316, Apana 1 to Moo to the point of beginning.

Containing an area of 9.824 Acres.

ED TOWSE,  
Representative 4th District.

April 1, 1911.

The Communication was received and placed on file, and the Concurrent Resolution was adopted.

Third Reading of Senate Bill No. 36, entitled "An Act Relating to Personal, Income and Property Taxes and the Disposition of the Proceeds Thereof, Amending Certain Laws and Repealing Others."

Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kalama, Makekau, Quinn, and President Knudsen. Total, 10.

Noes: None.

Absent and not voting: Senators Hewitt, Kaleiopu, Pali and Robinson.

Third Reading of Senate Bill No. 68, entitled "An Act Providing for the Purchase of Certain Lands, Water Rights and Waterways in Palolo Valley and in Palolo Hill Tract in the City and County of Honolulu, Territory of Hawaii."

Upon motion by Senator C. Brown, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kalama, Kaleiopu, Makekau, Quinn, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Hewitt, Pali and Robinson.

Third Reading of House Bill No. 210, entitled "An Act to Define, Regulate and License Emigrant Agents."

Upon motion by Senator Judd, seconded by Senator Kalama, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kalama, Kaleiopu, Makekau, Quinn, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Hewitt, Pali and Robinson.

Third Reading of House Bill No. 30, entitled "An Act to Provide for the Construction of Roads to and Upon Public Lands Opened for Homestead, Residence and Other Purposes."

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Judd, Kalama, Kaleiopu, Makekau, Quinn, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Hewitt, Pali and Robinson.

Third Reading of House Bill No. 154, entitled "An Act to Amend Section 1320, Revised Laws of Hawaii, Relating to Schedule of Stamp Duties."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kalama, Kaleiopu, Makekau, Quinn, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Hewitt, Pali and Robinson.

Second Reading of Senate Bill No. 79, entitled "An Act to Amend Section 1335 of the Revised Laws of Hawaii, as Amended by Act 90 of the Session Laws of 1907."

Senator Makekau moved to strike out the words "One Hundred" and insert in lieu thereof the word "Fifty," and to strike out the word "Fifty" and insert in lieu thereof the word "Twenty-five". Seconded by Senator C. Brown, and carried.

Upon motion by Senator Makekau, seconded by Senator C. Brown, the Bill passed Second Reading as amended, and was placed on the Calendar for Tuesday, April 4, 1911, for Third Reading.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, House Bill No. 211 was taken up from the table for consideration on Second Reading.

Second Reading of House Bill No. 211, entitled "An Act Making it a Misdemeanor to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or to Aid or Abet Such Leaving, and Providing a Punishment Therefor."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Second Reading, and was placed on the Calendar for April 4, 1911, for Third Reading.

Upon motion by Senator Judd, seconded by Senator Makekau, House Bill No. 212 was taken up from the table for consideration on Second Reading.

Second Reading of House Bill No. 212, entitled "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading or Attempting to

Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or Aiding, Abetting or Attempting to Aid or Abet Such Leaving."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Second Reading, and was placed on the Calendar for Tuesday, April 4, 1911, for Third Reading.

Senator J. T. Brown presented a Report (No. 199) from the Printing Committee, stating that Senate Bill No. 36 (Tax Bill) had been reprinted and was ready for distribution.

The Report of the Committee was received and placed on file.

A Communication (No. 155) from the House of Representatives, transmitting House Bill No. 144, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 144, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 144, entitled "An Act Relating to Insane Persons, Amending Sections 4, 8 and 10 of Act 149 of the Session Laws of 1909, and Adding Thereto Three New Sections to be Known as Sections 5A, 9A and 10A."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator Fairchild presented a Report (No. 200) from the Committee on Ways and Means, recommending that Senate Bill No. 22 be referred to the Committee of the Whole, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Ways and Means Committee to whom was referred Senate Bill No. 22, being an Act making appropriations for current expenses for the period ending June 30th, 1913, report that they have had same under consideration.

Under the head of Permanent Settlements, the item "Queen Liliuokalani" should be stricken out, as the Legislature has already provided for her by a special Act. Under the heading of Public Instruction, being the items from line 98 to 128 both inclusive, for the same reason, should be stricken out. With these amendments, this Committee recommends that the Bill be referred to the Committee of the Whole Senate for consideration.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
E. W. QUINN,  
CECIL BROWN.

Honolulu, April 3, 1911.

Upon motion by Senator C. Brown, seconded by Senator Ma-  
kekau, the Report of the Committee was adopted, and Senate  
Bill No. 22 was made the Special Order of the Day for Tues-  
day, April 4, 1911, at 10:30 o'clock A. M., for consideration  
in Committee of the Whole.

Senator Fairchild presented a Report (No. 201) from the  
Committee on Ways and Means, recommending that Senate Bill  
No. 50 be referred to the Committee of the Whole, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred  
Senate Bill No. 50, report that they have had same under con-  
sideration.

This Committee does not take upon itself to recommend or  
settle upon how much money proposed to be obtained from  
loan funds and bonds shall be expended upon the several pro-

posed public improvements contemplated by the Act in question, but deems that it is a matter that should be acted upon by the whole Senate.

The figures necessary or estimated for belt roads and bridges for the several islands have not been carried out, leaving the sums necessary for that work for consideration and determination of the Senate. All other figures and amounts set out by this Act are those recommended by His Excellency the Governor in his message.

Items Nos. 6 and 9 under the heading of Wharf and Harbor Improvements for Mahukona and Hanalei should be stricken out for the reason that they have already been provided for by a special Act.

The Committee therefore recommends that this Act be considered in Committee of the Whole Senate.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN,  
E. W. QUINN,  
CECIL BROWN.

Honolulu, April 3, 1911.

Upon motion by Senator C. Brown, seconded by Senator Makekau, the Report of the Committee was adopted, and Senate Bill No. 50 was referred to the Committee of the Whole to be taken up for consideration with Senate Bill No. 22 on Tuesday, April 4, 1911.

At 11:25 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.



## FORTY-FIRST DAY.

Tuesday, April 4, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Robinson absent.

The Journal of the Fortieth Day was read and approved.

A Communication (No. 156) from the House of Representatives, returning Senate Bill No. 81, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 81, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 157) from the House of Representatives, returning Senate Bill No. 80, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 80,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 158) from the House of Representatives, returning Senate Bill No. 71, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 71, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 159) from the House of Representatives, returning Senate Bill No. 58 with certain amendments, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 58, which this day passed Third Reading in the House of Repre-

sentatives of the Territory of Hawaii with the following amendments:

Strike out the words "Judiciary Department" in the title of said Bill, and insert in lieu thereof the words "Supreme Court."

In line 1 of Section 1 strike out the words "Judiciary Department," and insert in lieu thereof the words "Supreme Court;" and in line 2 of said Section strike out the words "the Supreme," and insert in lieu thereof the word "said."

In line 4 of Section 2 strike out the words "Judiciary Department," and insert in lieu thereof the words "Supreme Court."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Makekau, the amendments to Senate Bill No. 58 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators C. Brown and Robinson.

A Communication (No. 160) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 210, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 210 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 161) from the House of Representatives, transmitting House Bill No. 183, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 183, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 183, entitled "An Act Defining and Punishing Gift Enterprises."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 162) from the House of Representatives, transmitting House Bill No. 205, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 205, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 205, entitled "An Act to Amend Section 1320 of the Revised Laws of Hawaii, Relating to the Schedule of Stamp Duties."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 163) from the House of Representatives, transmitting House Bill No. 206, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 3, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 206, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

**EDWARD WOODWARD,**  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 206, entitled "An Act to Provide for the Erection and Maintenance of Hospitals in the Districts of North Kohala, North and South Kona, Island of Hawaii, by the County of Hawaii."

The Bill passed First Reading by Title and was referred to a Select Committee composed of the Senators from Hawaii.

A Communication (No. 26) from Mr. W. R. Farrington, enclosing copy of a resolution relating to Senate Bill No. 18, was read by the Clerk as follows:

Honolulu, April 3, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Dear Sir:—

I hand you herewith copy of resolution passed on April 2nd,

1911, by the official board of the First Methodist Episcopal Church of Honolulu and also by the members of the Epworth League of the First Methodist Episcopal Church of Honolulu, endorsing Senate Bill No. 18, known as the School Bill.

Yours respectfully,

WALLACE R. FARRINGTON.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Official Board of First Methodist Episcopal Church of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

Passed April 2, 1911.

Honolulu, Hawaii.

R. ELMER SMITH,

President of Board.

R. ARTHUR ROBBINS,

Secretary of Board.

The Communication and Resolution were received and placed on file.

Senator J. T. Brown presented a Report (No. 202) from the Printing Committee, stating that Senate Bill No. 68 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Makekau presented a Report (No. 19) from the Joint Conference Committee on Senate Bill No. 39 as follows:

Honolulu, Hawaii, April 3, 1911.

Honorable E. A. Knudsen,  
President of the Senate,  
Honorable H. L. Holstein,  
Speaker of the House of Representatives.

Sirs:—

Your Conference Committee to whom was referred Senate Bill No. 39 has had the same under careful consideration and begs leave to report as follows:

In reference to House amendment in line 3, sub-section (b) of Section 4, Your Committee recommends that the amendment be adopted.

In reference to the House amendment in line 5, sub-section (e) Section 4, Your Committee recommends that the amendment be adopted.

In reference to the House amendment to Section 17, Your Committee recommends that said Section pass as originally adopted by the Senate. Your Committee is of the unanimous opinion that the adoption of this amendment would result in bringing the street car company into politics to the detriment of the general welfare of the public, and that should occasion arise at the later date, the franchise may, according to its provisions, be amended at any time, thus covering this point fully.

In reference to the House amendment striking out Section 20 and inserting a new section in lieu thereof, Your Committee recommends that the amendment be adopted.

Respectfully submitted,

R. H. MAKEKAU,  
Chairman.

GEO. H. FAIRCHILD,  
CHAS. F. CHILLINGWORTH,  
Conferees for the Senate.

G. F. AFFONSO,  
HENRY L. KAWEWEHI,  
EDWARD WAIAHOLO,  
Conferees for the House.

Upon motion by Senator Makekau, seconded by Senator C. Brown, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Robinson.

Senator C. Brown presented a Report (No. 20) from the Joint Conference Committee on House Bill No. 27, as follows:

Honolulu, T. H., April 4, 1911.

Hon. H. L. Holstein,  
Speaker, House of Representatives,

Hon. Eric A. Knudsen,  
President of the Senate.

Sirs:—

Your Joint Conference Committee on House Bill No. 27, introduced by Representative Chas. Kanekoa, entitled "An Act to Amend Section 69 of Chapter 7 of the Revised Laws of Hawaii, Relating to Elections," beg leave to report as follows:

Your Committee, having had full and free conference on the Senate amendments to said Bill, have agreed to recommend and do recommend that the House yield to said amendments, and that the Bill pass as amended by the Senate.

Respectfully submitted,

CHAS. A. RICE,  
CHAS. KANEKOA,  
ED. TOWSE,  
Conferees on behalf of the House.

CECIL BROWN,  
S. E. KALAMA,  
JOHN T. BROWN,  
Conferees on behalf of the Senate.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Fairchild and Robinson.

At 10:46 o'clock A. M., the Senate resolved itself into a Com-



mittee of the Whole, Senator Makekau in the Chair, for the further consideration of Senate Bill No. 22.

At 12:08 o'clock P. M., the Committee rose, reported progress and asked leave to sit again.

The Report of the Committee was adopted.

A Communication (No. 164) from the House of Representatives, notifying the Senate of its adoption of the Report of the Joint Conference Committee on House Bill No. 27, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Joint Conference Committee on House Bill No. 27 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 165) from the House of Representatives, returning Senate Bill No. 27, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 27,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 166) from the House of Representatives, returning Senate Bill No. 78 with one amendment, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 78, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments

Insert the words: "of Hawaii" after the words "Revised Laws" in the title of said Bill.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Quinn, seconded by Senator Baker, the amendment made by the House to Senate Bill No. 78 was concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 12.

Noes: Senator Judd.

Absent and not voting: Senator Robinson.

A Communication (No. 167) from the House of Representatives, transmitting House Concurrent Resolution No. 19, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 19, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

## HOUSE CONCURRENT RESOLUTION NO. 19.

BE IT RESOLVED by the House of Representatives of the Legislature of the Territory of Hawaii, Session of 1911, the Senate concurring, that the Superintendent of Public Works or other proper officer or authority be, and is hereby directed to reduce the present unsightly and useless wall enclosing the Honolulu Central Grammar School, Emma Street, to a coping or guard wall not more than two and one-half feet in height.

ED TOWSE,  
Representative, 4th District.

The Communication was received and placed on file, and House Concurrent Resolution No. 19 was referred to the Committee on Education.

Senator Fairchild presented a Report (No. 203) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 114, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 114, report that they have had same under careful consideration.

The Bill was introduced for the relief of one Yee Yap, and

to authorize the payment to him of the sum of \$1,214 for damages sustained in a land transaction with the Territory. It appears that on October 28th, 1909, the claimant purchased some 15,090 square feet of land in this City from the Territory for \$2,500 as evidenced by Royal Patent No. 61. After delivering the Royal Patent and entry and building upon the land in question, other persons appeared and claimed title in three certain portions or parcels of the land described in the Royal Patent, and litigation followed which resulted in favor of the plaintiff and against the claimant Yee Yap.

The result showed that portions or parcels of the land sold under the Royal Patent were defective in title as to the Government. The whole of the land described in the Royal Patent as well as that claimed adversely against Yee Yap had been built upon, and the claimant, in order that he can protect himself, has been compelled to make outlays of the amount named \$1,214 as follows: \$125 to purchase land belonging to Gou Chong, \$750 to purchase land belonging to Mary Kahai, \$64 paid for costs of Court, \$25 Incidental expenses and \$250 for attorney's fees in the matter, a total of \$1,214. The mistake of including other peoples land with that of the Territory and selling both as one, was that of the Territorial officials.

We think the claim is a just one, and recommend the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
JOHN T. BROWN.  
E. W. QUINN,  
CECIL BROWN,

Honolulu, April 4th, 1911.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted; Senate Bill No. 114 passed Second Reading, and was placed on the Calendar for Wednesday, April 5, 1911, for Third Reading.

Senator Fairchild presented a Report (No. 204) from the Committee on Ways and Means, recommending the passage of House Bill No. 179, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 179, report that they have had same under consideration. The Bill seeks to amend Section 2621

of the Revised Laws as amended in 1905, 1907 and 1909, which Section covers the annual fee or tax to be paid by insurance companies or corporations as a license for the privilege to do business within this Territory. Under the law as now in our statute books, a tax of two per cent. on the net income received from premiums was paid, after deducting all losses paid in the Territory, allowing as well other deductions, as a reference to the Section will prove. The change made is to levy a tax of two per cent. upon the gross income. From figures furnished this Committee, it appears that the fees or tax paid by insurance companies for the past six years has been \$126,361.48, and the amounts collected as premiums, etc., for the same period has been \$7,725,731.92, and the losses paid for the same period, being fire, marine and life, has been \$2,221,923.12, and added to this should be the \$126,361.48 paid out as license fees and taxes, making a sum total of, say, \$2,648,284.60, leaving a balance of about \$5,077,447.32; deduct from this, commissions of agents and other expenses say, of, \$1,295,000, and we have a net total of \$3,782,447.32 income. The taxes or license fee upon this sum is a little over 2% for the past six years, and in the opinion of this Committee, totally inadequate to the business done and the privilege of doing such business under the protection of the Territory.

We recommend the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
E. W. QUINN,  
CECIL BROWN,  
J. T. BROWN,

Honolulu, April 4, 1911.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 179 passed Second Reading, and was placed on the Calendar for April 5, 1911, for Third Reading.

Senator Hewitt presented a Report (No. 205) from the Committee on Manufactures, Forestry and Promotion, recommending the adoption of House Concurrent Resolution No. 9, as follows:

#### SENATE CHAMBER.

Honolulu, April 4, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Manufactures, Forestry and Promotion

to whom was referred House Concurrent Resolution No. 9, "Petitioning Congress to Enact a Law for the further development of this Territory" has had the same under due and careful consideration, and begs leave to report as follows:

It is the opinion of the Committee, that a great benefit will result to the people of this Territory if the provisions of the resolution were acted favorably by Congress.

Your Committee therefore recommends the adoption of the Resolution.

Respectfully submitted,

GEO. C. HEWITT,

Chairman.

A. S. KALEIOPU,

PHILIP PALI.

Upon motion by Senator Hewitt, seconded by Senator Baker, the Report of the Committee was adopted.

Senator Chillingworth presented a Concurrent Resolution (No. 8) relating to the treatment and food of the Boys' and Girls' Industrial Schools, as follows:

#### CONCURRENT RESOLUTION.

WHEREAS, it was made very evident during a recent legislative visit that the children confined for correction in the Boys' Industrial School, at Waialee, Oahu, are subjected to certain harsh treatment, and that, moreover, the food furnished them is of such a quality that the standard is much lower than what is being supplied the prisoners confined in Oahu Prison and Honolulu Jail; therefore, be it

RESOLVED by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives concurring, that a special joint committee be appointed, to consist of three members from each Body, to investigate and report to this legislature, as soon as may be convenient, their findings, and at the same time, to make such recommendations as they may deem proper, whereby conditions, if found unsatisfactory, may be improved.

CHAS F. CHILLINGWORTH,

Senator 3rd Senatorial District.

April 4th, 1911.

Upon motion by Senator Hewitt, seconded by Senator Makekau, the Resolution was adopted.

At 12:30 o'clock P. M., the Senate took a recess until 3:00 o'clock P. M.

## AFTERNOON SESSION.

The Senate reconvened at 3:00 o'clock P. M.

A Communication (No. 46) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 210, 140, 159, 177, 192 and 86, and Senate Bills Nos. 30 and 80, was read by the Clerk as follows:

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 4, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg to leave to inform you that the Governor has this day signed the following bills:

House Bill No. 210, as Act 48, entitled "An Act to Define, Regulate and License Emigrant Agents;"

House Bill No. 140, as Act 49, entitled "An Act to Further Amend Section 3190 of the Revised Laws of Hawaii as Amended by Section 1 of Act 15 of the Session Laws of 1905, Regulating the Observance of Sunday;"

House Bill No. 159, as Act 50, entitled "An Act to Amend Sections 1354 and 1355 of the Revised Laws of Hawaii, Relating to Billiards and Bowling Alleys;"

House Bill No. 177, as Act 51, entitled "An Act to Amend Section 2356 of the Revised Laws of Hawaii, Relating to Fees of the Registrar of Conveyances;"

House Bill No. 192, as Act 52, entitled "An Act to Prevent Public Officers and Employees from Being or Becoming Interested in Public Contracts;"

House Bill No. 86, as Act 53, entitled "An Act to Provide for the Geographical Limits of the City of Hilo;"

Senate Bill No. 30, as Act 54, entitled "An Act to Amend Section 1 of Act 31 of the Session Laws of 1905, Relating to Licenses for Dealers in Second-Hand Goods, and to Add a New Section Thereto, to be known as Section 2A;"

House Bill No. 80, as Act 55, entitled "An Act to Declare Certain Lands as a Public Park."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 168) from the House of Representatives, returning Senate Bill No. 99 with one amendment, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 99, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

Amend Section 1 to read as follows: "Section 1. Any corporation or joint stock company, upon complying with the requirements of this Act, may, by vote of not less than three-fourths of all the shares of stock, or if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote at any meeting heretofore or hereafter duly called and held for the purpose, effect a reduction of its capital stock by retiring or reducing any class or number of shares of stock, or by reducing the par value of its stock.

If reduction is to be made by the surrender and retirement of a portion of the outstanding stock, each stockholder shall, unless the resolution authorizing the reduction shall otherwise provide, be entitled to participate pro rata in the surrender of certificates for cancellation and retirement. If any stockholder shall fail to exercise his option within thirty days after written notice given him by the corporation, the corporation may accept any other shares in lieu thereof.

A sworn certificate shall be signed by the presiding officer and Secretary of the meeting and presented to the Treasurer of the Territory setting forth therein the action taken, and certifying that at the time such vote was taken, the Company was not and has not since become indebted in any manner over and above half of the amount of its remaining capital. The Treasurer shall record thereon the date of its receipt in his office and shall publish a notice of the same in some suitable newspaper in Honolulu at least once a week for four successive weeks, the first publication to be not more than ten days



after the receipt of said certificate. Upon the expiration of thirty days after the first publication of said notice, if no protest or objection to the proposed reduction of capital shall have been filed with the Treasurer by any person claiming to be a stockholder or creditor of such corporation, the Treasurer shall enter such decrease of capital on record and the same shall thereupon stand effected as of the date of the original filing of said certificate. Otherwise the Treasurer shall proceed to consider any objection made, and if he shall thereupon be satisfied that the vote certified has been truly taken, and that the corporation was not at the time of filing of said certificate indebted beyond the limit aforesaid, he shall enter such reduction of capital of record in manner aforesaid."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, and the amended Bill was referred to the Judiciary Committee.

A Communication (No. 169) from the House of Representatives, informing the Senate of the adoption of the Report of the Joint Conference Committee on Senate Bill No. 39, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Joint Conference Committee on Senate Bill No. 39 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
A Communication (No. 170) from the House of Representa-

tives, transmitting House Bill No. 168, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 168, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 168, entitled "An Act to Prohibit Government Officers from Holding More Than One Office in Certain Cases."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 171) from the House of Representatives, transmitting House Bill No. 186, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 186, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 186, entitled "An Act Creating a Board of Water and Sewer Commissioners for Honolulu, and Providing for the Transfer of the Management, Control and Maintenance of the Honolulu Water and Sewer Works to and by Said Board of Commissioners."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 172) from the House of Representatives, transmitting House Concurrent Resolution No. 20, relating to the treatment and food furnished the inmates of the Boys' and Girls' Industrial Schools, etc., was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 4, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 20, which was this day adopted in the House of Representatives of the Territory of Hawaii.

In accordance with the adoption of said Resolution, the Speaker of the House of Representatives of the Territory of Hawaii has this day appointed the following as a Special Committee to act with a like committee to be appointed by the President of the Senate in the event of the adoption of said Resolution by your Honorable Body:

Representatives Sheldon, Long and Kawewehi.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

#### CONCURRENT RESOLUTION.

WHEREAS, it was made very evident during a recent legislative visit that the children confined for correction in the Boys' Industrial School, at Waialeale, Oahu, and at the Girls' Industrial School, at Honolulu, are subjected to certain harsh treatment, and for other causes which should be investigated,

and that, moreover, the food furnished them is of such a quality that the standard is much lower than what is being supplied the prisoners confined in Oahu Prison and Honolulu Jail:

**THEREFORE:**

**BE IT RESOLVED**, by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate concurring, that a Special Joint Committee be appointed, to consist of three members from each Body, to investigate and report to this Legislature, as soon as may be convenient, their findings, and at the same time, to make such recommendations as they may deem proper, whereby conditions, if found unsatisfactory, may be improved.

WM. SHELDON,  
Representative, 6th District.

April 4, 1911.

The Communication was received and placed on file, and House Concurrent Resolution No. 20 was adopted; whereupon the Chair appointed Senators Chillingworth, Hewitt and Robinson as the Senate Committee to act in accordance with the terms of the Resolution.

Senator Judd presented a Report (No. 206) from the Judiciary Committee, recommending the passage of House Bill No. 48 with one amendment, as follows:

**REPORT ON HOUSE BILL NO. 48.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 48, To Amend Act 55 of the Laws of 1909, Relating to the Acquisition of Property for Public Purposes, begs leave to report as follows:

Formerly private property required for public purposes was usually acquired by exchange.

The method, however, was changed and greatly improved by Act 55 of the Laws of 1909 by providing that such property, instead of being acquired by exchange, could be acquired by selling property that might otherwise be given in exchange and using the proceeds to purchase the property acquired.

The Organic Act amendments now necessitate a further change because under its restrictions as to exchanges pro-

perty cannot be obtained to the extent required for public purposes. Consequently the present bill provides that the proceeds of any land sold for other than homestead purposes shall be available for this purpose. Even with this amendment it will probably be impossible to obtain as much property for public purposes as has hitherto been possible because of the limitations in the Organic Act amendments upon sales for other than homestead purposes.

Incidentally the bill conforms to the Organic Act amendments by eliminating the Superintendent of Public Works, who no longer has authority to sell lands, and at the same time it conforms to other bills, the object of which is to avoid the multiplication of special funds by substituting therefor more appropriations.

Your Committee recommends that this bill be amended by striking out the words

“with the approval of the Land Board”  
from lines 7 and 8 of Section 1. In the opinion of your Committee this provision is unnecessary and unwise. The sales of land contemplated by this bill will all be subject to the approval of the Land Board, and the price to be paid for land proposed to be purchased is to be fixed by three disinterested persons. The sale of lands and the purchase of other lands thus being properly safeguarded there appears no reason why it should be necessary to go to the Land Board to secure their approval of the setting apart of the money received from the sale of land, which they have already approved. To so provide would give to them powers and duties which it was not the intention of Congress that they should have, and which belong to a different department of the Government.

With the above amendment your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

April 4, 1911.

Committee.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 48 passed Second Reading as amended, and was placed on the Calendar for Wednesday, April 5, 1911, for Third Reading.

At 3:20 o'clock P. M., the Senate resolved itself into a Com-

mittee of the Whole, Senator Makekau in the Chair, for the further consideration of Senate Bill No. 22.

At 4:55 o'clock P. M., the Committee rose, reported progress and asked leave to sit again.

Upon motion by Senator Kaleiupu, seconded by Senator Baker, the Report of the Committee was adopted.

Upon motion by Senator Fairchild, seconded by Senator Makekau, Senate Bill No. 22 was made the Special Order of the Day for tomorrow, at 10:30 o'clock A. M.

Senator Quinn gave notice of his intention to introduce the following Bills:

1. "An Act to Prevent the Destruction, Defacing or Removing of Survey Monuments."

2. "An Act to Reimburse Wm. P. Thomas and Chung Ah Get, Holders of Lots 18 and 19, Respectively, of the Pupukea Paumalu Tract, for the Reduction in the Area of Their Lots Caused by the Settlement of Boundaries."

3. "An Act to Provide for the Relocation of a Portion of the North Side of Union Street."

Under suspension of the rules, Senator Quinn introduced Senate Bill No. 115, entitled "An Act to Prevent the Destruction, Defacing or Removing of Survey Monuments."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, Senator Quinn introduced Senate Bill No. 116, entitled "An Act to Reimburse Wm. P. Thomas and Chung Ah Get, Holders of Lots 18 and 19, Respectively, of the Pupukea Paumalu Tract, for the Reduction in the Area of Their Lots Caused by the Settlement of Boundaries."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, Senator Quinn introduced Senate Bill No. 117, entitled "An Act to Provide for the Relocation of a Portion of the North Side of Union Street."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 5:00 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FORTY-SECOND DAY.

Wednesday, April 5, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Forty-first Day was read and approved.

Senator Robinson gave notice of his intention to introduce a Bill entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, by Amending Section 1418H Thereof, Relating to Peddlers."

Under suspension of the Rules, Senator Robinson introduced Senate Bill No. 118, entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, by Amending Section 1418H Thereof, Relating to Peddlers."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 79, entitled "An Act to Amend Section 1335 of the Revised Laws of Hawaii, as Amended by Act 90 of the Session Laws of 1907."

Upon motion by Senator Makekau, seconded by Senator J. T. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Fairchild and Quinn.

Third Reading of Senate Bill No. 114, entitled "An Act Making Special Appropriation to Compensate Yee Yap for the Damages Suffered by Him by Reason of the Defective Title of Land Conveyed to Him by Land Patent (Grant) Number 61, Department of Public Works."

Upon motion by Senator C. Brown, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Fairchild and Quinn.

Third Reading of House Bill No. 179, entitled "An Act Amending Section 2621 of Chapter 159 of the Revised Laws of Hawaii, as Amended by Act 77 of the Session Laws of 1905, Act 124 of the Session Laws of 1907, and Act 126 of the Session Laws of 1909, Relating to Insurance Corporations and Companies."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Fairchild and Quinn.

Third Reading of House Bill No. 48, entitled "An Act to Amend Act 55 of the Laws of 1909, Relating to the Acquisition of Property for Public Purposes."

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Fairchild and Quinn.

At 10:30 o'clock A. M., the Senate resolved itself into a Committee of the Whole for the further consideration of Senate Bill No. 22; Senator Makekau in the Chair.

At 11:10 o'clock A. M., the Committee rose, reported progress and asked leave to sit again.

The Report of the Committee was adopted.

A Communication (No. 47) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 154 and 30, and Senate Bills Nos. 27, 71, 78, 80 and 81, was read by the Clerk as follows:



## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 5, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to notify your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 154, as Act 56, entitled "An Act to Amend Section 1320, Revised Laws of Hawaii, Relating to Schedule of Stamp Duties;"

Senate Bill No. 27, as Act 57, entitled "An Act to Appropriate Fifteen Thousand Dollars (\$15,000.00) for the Purchase of Private Lands in North Kona and South Kona, Island of Hawaii, for Homestead Purposes, and to Determine the Price of Such Homesteads;"

Senate Bill No. 71, as Act 58, entitled "An Act to Amend Section 419 of the Revised Laws of Hawaii, Relating to Brands;"

Senate Bill No. 78, as Act 59, entitled "An Act to Amend Section 2359 of the Revised Laws of Hawaii, as Amended by Act 7 of the Laws of 1905, Relating to the Duties of the Registrar of Conveyances;"

Senate Bill No. 80, as Act 60, entitled "An Act to Amend Section 1721 of the Revised Laws of Hawaii, Relating to Service of Summons Issued Under the Seal of a Court of Record;"

Senate Bill No. 81, as Act 61, entitled "An Act to Amend Chapter 217 of the Revised Laws of Hawaii, Relating to Gambling, and Adding a New Section Thereto to be Known as Section 3180A;"

House Bill No. 30, as Act 62, entitled "An Act to Provide for the Construction of Roads to and Upon Public Lands Opened for Homesteads, Residence and Other Purposes."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.  
Senator C. Brown moved that the Committee on Ways and

Means report Senate Bill No. 47 back to the Senate. Seconded by Senator Pali, and carried.

Second Reading of Senate Bill No. 47, entitled "An Act Relating to Circuit Court Receipts and Expenses."

Upon motion by Senator C. Brown, seconded by Senator Judd, the items in the Bill were taken up Section by Section, as follows:

"FIRST CIRCUIT COURT:"

"Chief Clerk, Cashier and Bookkeeper . . . . . \$2,100.00"

Senator C. Brown moved to strike out the figures "\$2,100.00" and insert in lieu thereof the figures "\$2,400.00;" seconded by Senator Judd, and carried.

"Three Clerks (\$125.00 each) . . . . . \$4,500.00"

Senator Judd moved to strike out the figures "\$125.00" and insert in lieu thereof the figures "\$150.00," and to amend the total to read "\$5,400.00;" seconded by Senator Pali and carried.

"Three Clerks (\$100.00 each) . . . . . \$3,600.00"

Passed as in the Bill.

"Three Stenographers (\$175.00 each) . . . . . \$6,300.00"

Passed as in the Bill.

"Probation Officer (\$125.00) . . . . . \$1,500.00"

Passed as in the Bill.

Senator C. Brown moved to insert the following new items:

"Court Expenses . . . . . \$14,500.00"

"Support Juvenile Court . . . . . \$ 1,000.00"

"Two Hawaiian Interpreters (\$125.00 each) . . . . \$ 3,000.00"

"One Japanese Interpreter (\$125.00) . . . . . \$ 1,500.00"

Seconded by Senator Chillingworth, and carried.

"SECOND CIRCUIT COURT:"

"Clerk (\$125.00) . . . . . \$1,500.00"

Senator J. T. Brown moved to strike out the figures "\$125.00" and insert in lieu thereof the figures "\$150.00," and to amend the total to read "\$1,800.00;" seconded by Senator Makekau, and carried.

"Stenographer and Clerk . . . . . \$1,500.00"

Senator Makekau moved to strike out the figures “\$125.00” and insert in lieu thereof the figures “\$150.00,” and to amend the total to read “\$1,800.00;” seconded by Senator Baker, and carried.

Senator Baker moved to insert the following new items:

“Court Expenses .....\$6,000.00”  
“Support Juvenile Court Dependents .....\$ 250.00”  
“Law Books .....\$ 250.00”

Seconded by Senator Makekau, and carried.

“THIRD CIRCUIT COURT:”

“Clerk (\$100.00) .....\$1,200.00”

Passed as in the Bill.

Senator Baker moved to insert the following new items:

“Stenographers .....\$1,000.00”  
“Law Books .....\$ 500.00”  
“Court Expenses .....\$6,000.00”

Seconded by Senator Hewitt, and carried.

“FOURTH CIRCUIT COURT:”

“Clerk (\$135.00) .....\$1,620.00”

Senator J. T. Brown moved to strike out the figures “\$135.00” and insert in lieu thereof the figures “\$175.00,” and to amend the total to read “\$2,100.00;” seconded by Senator Baker, and carried.

“Stenographer (\$135.00) .....\$1,620.00”

Senator Makekau moved to strike out the figures “\$135.00” and insert in lieu thereof the figures “\$150.00,” and to amend the total to read “\$1,800.00;” seconded by Senator Baker, and carried.

Senator Baker moved to insert the following new items:

“Assitant Clerk, Interpreter and Messenger  
(\$125.00) .....\$1,500.00”  
“Court Expenses .....\$7,000.00”  
“Law Books .....\$ 150.00”  
“Support Juvenile Court Dependents .....\$ 500.00”

Seconded by Senator Hewitt, and carried.

“FIFTH CIRCUIT COURT:”

“Clerk (\$125.00) .....\$1,500.00”

Passed as in the Bill.

Senator Fairchild moved to insert the following new items:

“Law Books .....\$ 100.00”  
 “Court Expenses .....\$4,000.00”

Seconded by Senator Baker, and carried.

Upon motion by Senator Baker, seconded by Senator Judd, the Bill passed Second Reading as amended, and was placed on the Calendar for tomorrow for Third Reading.

Senator J. T. Brown presented a Report (No. 207) from the Printing Committee, stating that Senate Bills Nos. 115, 116 and 117 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 115, entitled “An Act to Prevent the Destruction, Defacing or Removal of Survey Monuments.”

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 116, entitled “An Act to Reimburse Wm. P. Thomas and Chung Ah Get, Holders of Lots 18 and 19, Respectively, of the Pupukea Paumalu Tract, for the Reduction in the Area of Their Lots Caused by the Settlement of Boundaries.”

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 117, entitled “An Act to Provide for the Relocation of a Portion of the North Side of Union Street, Honolulu.”

Referred to a Select Committee of Oahu Senators.

At 12:00 o'clock M., the Senate took a recess until 2:00 o'clock P. M.

## AFTERNOON SESSION.

The Senate reconvened at 2:00 o'clock P. M.

Third Reading of House Bill No. 211, entitled “An Act Making It a Misdemeanor to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or to Aid or Abet Such Leaving and Providing a Punishment Therefor.”

Senator Judd moved the following amendments:

(a) Strike out all of the title and insert in lieu thereof the words “An Act to Prevent the Inducing, Enticing or Persuading of Servants or Laborers to Leave Their Employment;”

(b) Insert after the word “persuade” where it appears for

the second time in line 3 of Section 1, the words: "or aid or abet in inducing, enticing or persuading,";

(c) Strike out the words "the term thereof" in line 6 and insert in lieu thereof the words "such time,";

(d) Strike out the words "or who shall aid or abet any such servant or laborer who has been so induced, enticed or persuaded in leaving said service during the term thereof without the consent of said employer," beginning in line 7 and ending in line 10 of the Bill.

(e) Insert the word "for" before the word "not" in the last line of Section 1;

(f) Insert after the word "both" in the last line of Section 1, the words "such fine and imprisonment."

Seconded by Senator Chillingworth, and carried.

Upon motion by Senator Makekau, seconded by Senator Pali, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Quinn and Robinson.

Third Reading of House Bill No. 212, entitled "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading or Attempting to Induce, Entice or Persuade Servants or Laborers to Leave Their Employment, or Aiding or Abetting or Attempting to Aid or Abet Such Leaving."

Senator Judd moved the following amendments:

(a) Strike out the words "the term thereof" in line 6, and insert in lieu thereof the words "such time;"

(b) Insert the word "the" before the word "consent" in line 6;

(c) Insert after the word "abetting" in line 7, the words "or attempting to aid or abet,";

(d) Strike out the words "or aiding or abetting others in the commission thereof," in the last line of Section 1.

Seconded by Senator Chillingworth, and carried.

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Second Reading of House Bill No. 142, entitled "An Act Relating to the Duties of the Sheriffs of the Several Counties or City and County, or the Officer or Person in Charge of Any Jail in the County or City and County, in Regard to the Services of an Attorney for Persons About to be Confined in Such Jail Upon a Charge of Any Offense."

Under suspension of the Rules, the Bill was read throughout.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Thursday, April 6, 1911.

Senator Kaleiopu moved that House Bill No. 75 be taken up from the table for consideration on Second Reading. Seconded by Senator Baker, and carried.

Second Reading of House Bill No. 75, entitled "An Act to Repeal Chapter 73 of the Revised Laws of Hawaii."

Under suspension of the Rules, the Bill was read throughout.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Thursday, April 6, 1911.

Senator Judd presented a Report (No. 208) from the Judiciary Committee, recommending the passage of House Bill No. 144, as follows:

#### REPORT ON HOUSE BILL NO. 144.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 144, Relating to Insane Persons, Amending Sections 4, 8 and 10 of Act 149 of the Laws of 1909, and adding thereto three new Sections to be known as Sections 5A, 9A and 10A, begs leave to report as follows:

The amendment to Section 4 of Act 149 of the Laws of 1909 consists of the insertion of the words "and a copy thereof to the Superintendent of the Insane Asylum" after the word "insanity." This section as it now stands requires the magistrate committing an insane person to send a certificate of commitment to the Chairman of the Commissioners of Insanity. It is deemed important that a copy of such certificate be sent

to the Superintendent of the Insane Asylum in order that he may be advised of the circumstances which brought about the committal. This information is generally of great assistance to the Superintendent in determining how to take care of and handle each patient and perhaps aid in his treatment.

Section 5A, the new section, re-enacts Section 1117 of the Revised Laws of Hawaii, which was repealed by Act 149 of the Laws of 1909. This section is self-explanatory, and your Committee considers it a wise provision.

The change in Section 8 of Act 149 of 1909, consists in the substitution of the word "clerk" for the word "Treasurer" so that the claims of the Commissioners for fees and expenses payable by the Counties may go directly to the proper officer. At present it is a matter of annoyance to the County Treasurers, as well as delay, to require them to receive and forward papers which should go directly to the county clerk.

The new section 9A gives the Commissioners power to administer oaths, to punish for contempts, etc., a very desirable provision.

The amendment to Section 10 of Act 149 consists in the insertion of the words "or upon application of the Superintendent." In the cases of a great number of persons detained in the Asylum, the Superintendent of the Asylum is in a better position to know when it would be proper to have a patient examined as to his or her sanity, and the Superintendent should be given the power to take the initiative, and to notify the Commissioners of Insanity.

Section 10A gives the Commissioners power to grant paroles and to compel the observance of the terms thereof.

Your Committee is thoroughly in accord with the purpose of this bill and believes it to be a desirable measure, and therefore recommend its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 5, 1911.

Upon motion by Senator Judd, seconded by Senator Fairchild, the Report of the Committee was adopted; House Bill

No. 144 passed Second Reading, and was placed on the Calendar for Thursday, April 6, 1911, for Third Reading.

Senator Judd presented a Report (No. 209) from the Judiciary Committee, recommending the adoption of Senate Concurrent Resolution No. 6 with certain amendments, as follows:

**REPORT ON SENATE CONCURRENT RESOLUTION NO. 6.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Concurrent Resolution, Requesting Congress to enact and the President to approve an act authorizing the construction of a ditch from Hilo to Kau, Island and Territory of Hawaii, and for other purposes incidental thereto, begs leave to report as follows:

Your Committee has held two public hearings on this Resolution affording opportunity for friends and opponents of the measure to be fully heard for and against it. Section 1 and 2 of the resolution have been redrafted, and as it now stands satisfies the objections made to those sections. Section 4 has been amended by adding a clause thereto limiting the exercise of the right of eminent domain therein provided. It is believed that the amendment made meets all objections urged against this part of the resolution. Various minor changes have been made in Section 5 of the resolution to make the provisions thereof a little more specific, and this has also been done with Section 9, which has been divided into four sections, i. e. Sections 9, 10, 11, 12. Section 14, new number Section 16 has been made more definite in its terms. The last section of the resolution has likewise been made a little more definite in its terms, and there has been added to the section clauses similar to those in Senate Bill No. 39, providing for a commission of three persons to determine price to be paid the Ditch Company should the Territory decide to purchase, with the right of appeal to the Supreme Court of Hawaii, from decisions of the commission of three.

Your Committee desires to call attention to the fact that while the resolution requests the passage by Congress of a "Ditch Bill" so called, the measure is in its essence a land bill. For fifty years all the public lands in Kau which can be economically irrigated by the ditch will be leased to the Ditch Company, of this area 30% can be withdrawn from the lease and thrown open to homesteaders, but such homesteaders can have no assurance that the Ditch Company will sell them water. All they can rely on is the water which the Territory will re-





ceive as rent from the Ditch Company, and this is estimated at but 250 gallons per day per acre for the homesteader. Upon investigation your Committee finds that of the lands which will be taken by the Ditch Company about 1245 acres consist of land which today can be homesteaded. It is believed that in the district of Kau there will be about 8,000 acres of public lands, arid and semi-arid, which will be below the ditch, and which can be irrigated by it. This is only an estimate since no accurate surveys of this section have been made. Your Committee believes that the increase in wealth in the District of Kau because of the completion of this ditch will more than compensate for the withdrawing of this area of land from homesteading. It is estimated that the increase in taxes from the Kau District due to the building and completion of this ditch will amount to about \$60,000 per year. Your Committee desires to draw attention to the fact that the Ditch Company cannot hope to finance this extensive work without the land feature accompanying the other part.

Your Committee appends to this report a copy of the Resolution as amended, and recommends that the same be printed.

Your Committee is in favor of this Resolution, and recommends that the same be passed as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 5, 1911.

SENATE CONCURRENT RESOLUTION NO. 6.

Requesting Congress to Enact and the President to Approve  
An Act Authorizing the Construction of a Ditch From  
Hilo to Kau, Island and Territory of Hawaii, and for Other  
Purposes Incidental Thereto:

WHEREAS, there are large areas of fertile land in the District of Kau, Island and Territory of Hawaii, both of public and private ownership, which are non-productive, or productive only to a limited degree, by reason of the lack of rainfall, or water for irrigation;

AND WHEREAS, there are many streams in the District of Hilo, on said Island, much of the water of which is at times running to waste;

AND WHEREAS, it will be in the public interest to have

such waste water conveyed to said arid and semi-arid lands, for the purpose of developing the same and bringing them under cultivation;

AND WHEREAS, the cost of constructing the ditches, reservoirs and other structures necessary or incidental to the transportation of said waters as aforesaid, and of maintaining and operating the same, will be large, rendering it necessary for parties undertaking such work to raise money to operate by means of the issuance of bonds;

AND WHEREAS, it is improbable that private capital, without the guarantees hereinafter contemplated and provided for, would undertake to finance the said enterprise;

AND WHEREAS, in the opinion of this Legislature, the public interests will be advanced by the successful development of said lands in the District of Kau by means of said waters to the extent of warranting public assistance in that behalf, in manner herein set forth;

AND WHEREAS, the sanction and approval of Congress is necessary in order to secure to the grantee hereunder the rights, powers, privileges and authority herein enumerated;

NOW THEREFORE, BE IT RESOLVED

That the Legislature of the Territory of Hawaii doth hereby recommend to and petition the Congress of the United States to pass, and the President to approve, an Act of Congress in substantially the following form, viz:

Section 1. The right and power is hereby granted to John T. McCrosson, and to his associates and assigns, and to such corporation as may be organized by him or them for the purpose of taking over and exercising the rights, powers and privileges hereby conferred, hereinafter collectively referred to and the "DITCH COMPANY," to construct a ditch together with the tunnels, dams, waterheads, reservoirs, roads, trails, conduits, buildings, machinery, and other structures or appliances necessary or proper for conducting or storing water to flow through said ditch from any point in the District of Hilo, (which term shall be held to include both North and South Hilo), Island and Territory of Hawaii, through the said District to and through the Districts of Puna and Kau in said Island and Territory, and to any point or points therein; provided that said ditch shall be constructed at an elevation of not less than 2500 feet at its nearest point to the land of Hakalau, District of Hilo, and shall have a fall of not more than six feet to the mile within the limits of said district of Hilo.

Section 2. The right and power is also granted to the Ditch Company to develop, produce, use, sell and transmit power produced by water within the District of Kau, but not elsewhere.

Section 3. And also the right and power to buy, take on lease, or otherwise acquire by private purchase, and to hold, all land or interests in land, necessary, convenient or proper for the purposes aforesaid, or any of them.

Section 4. And also the right and power to condemn and take any land, or interest in land, necessary or proper for rights of way, or for dam or reservoir or building sites, for the purposes aforesaid, or any of them, SUBJECT, HOWEVER, in all respects as near as may be to the obligations, restrictions, payments and procedure now or hereafter imposed or prescribed by the laws of the Territory of Hawaii for the exercise of the right of eminent domain by public railroads in the Territory, and PROVIDED, HOWEVER, that nothing in this act contained shall authorize or empower the condemnation of water or water rights, nor permit the Ditch Company to take or divert water now used in the said District of Hilo.

Section 5. The commissioner of public lands for the Territory of Hawaii, hereinafter referred to as the "commissioner," is hereby authorized and directed to execute to the Ditch Company, and the governor of the Territory of Hawaii, hereinafter referred to as the "governor," is authorized and directed to approve a lease of all such public lands in the District of Kau to be designated by the Ditch Company, as are capable of being economically irrigated from the ditches of the company, together with rights of way for ditch purposes over all government lands situated in said Districts of Hilo, Puna and Kau. The lease shall provide that if within six months from the date of the first delivery of water in the said District of Kau, by the Ditch Company, it is ascertained to the satisfaction of the Ditch Company that any of the lands theretofore designated by it are incapable of being economically watered from its waterways, such lands, or any portion thereof shall be surrendered by the said Ditch Company by notice in writing to the commissioner, and no rent for said lands so surrendered, if any, shall be charged or collected by the lessor, and that the surrender of a portion of such lands, as herein provided, shall in no wise affect the lessee's tenancy of the remaining lands under said lease; that the term of said lease shall be fifty years from the date hereinafter set forth; that the Ditch Company shall have the right and authority at all times after the execution of said lease to enter upon all such public lands in the District of Kau for the purpose of surveys, construction work, etc.; that the rent to be paid for said lands shall be at the rate of one dollar per acre, per annum, payable to the Territory at its option, either in water from the waterways of the Ditch Company at the lowest rate payable by any consumer of water furnished by the company, or in cash; that the Ditch Company shall furnish to homesteaders or set-

tlers along the line of the company's waterways, or such other person or persons along said waterways, as the commissioner, with the approval of the governor, may direct, at a point or points to be designated by such officials, such water due as rental for said public lands. The Ditch Company shall have full right to sublet the said lands or any part thereof, or to assign the lease in whole or in part, either by way of security or otherwise, SUBJECT, HOWEVER, in all things to the provisions hereof. The lease shall be made subject to any unexpired and outstanding lease of any or all of such lands, and shall contain appropriate provisions to secure the construction and maintenance of the necessary works for supplying such lands with water, and the reversion of such works to the Territory upon the termination of the lease as hereinafter provided.

SECTION 6. Not more than thirty per cent. of the lands so held under lease by the Ditch Company may at any time after the expiration of six months from the date of the first delivery of water as aforesaid, by the Ditch Company be withdrawn for other public purposes, or homesteaded, or sold for other purposes under the laws relating to public lands in Hawaii, such withdrawal of lands to be in blocks of not less than five hundred acres and the right of way of the Ditch Company through such land so withdrawn to be reserved to it, in which case the rent reserved shall be proportionately reduced at the rate of one dollar per acre for the land so withdrawn, homesteaded and sold; PROVIDED, that written notice of intention to withdraw any portion of such public lands, together with a proper description of the lands so to be withdrawn, shall be served upon the Ditch Company by the commissioner, with the approval of the governor, not less than three calendar months before such withdrawal is to take effect; PROVIDED ALSO, that growing crops, if any, upon said lands so to be withdrawn may be harvested by the Ditch Company, or those holding under it, before such withdrawal is or shall be operative.

SECTION 7. The lease shall go into effect when the Ditch Company shall have constructed a ditch from said District of Hilo to Pahala in said Kau, with a delivering capacity of one hundred million gallons of water per day of twenty-four hours, and when fifty million gallons of water shall have been actually delivered by means of said waterway to said Pahala within a period of twenty-four consecutive hours, such date to be ascertained by the commissioner and fixed by him with the approval of the governor. Notice of the fixing of such date, and the consequent beginning of the term of the lease, shall be communicated in writing to the Ditch Company by said officials within ten days from the date thereof.

**SECTION 8.** A sum, not less than \$50,000 in cash, shall be actually expended by the Ditch Company in preliminary surveys, construction work upon said ditch or reservoirs, or for other good and useful purposes in that behalf, within one (1) year, \$100,000 within two (2) years, and \$1,000,000 within three (3) years, from the date of the approval of this Act by the President.

**SECTION 9.** The ditch shall be completed as far as said Pahala within four (4) years, and as far as Waiohinu, in said Kau, within five (5) years from the date of said approval.

**SECTION 10.** If the Ditch Company shall fail to expend such respective sums of money, or any of them, within the respective times aforesaid, for the purposes aforesaid, then and in any such case all of the rights, powers and privileges hereby granted and the said lease shall be forfeited and be null and void and of no effect, and all works and improvements up to that time erected or constructed shall immediately revert to and become the property of the Territory.

**SECTION 11.** If after such expenditures shall have been made the Ditch Company shall fail to observe or perform any of the terms, requirements or conditions herein contained or prescribed, the governor shall give the Ditch Company written notice to furnish to him within three (3) months from the date of such notice, assurances and proofs satisfactory to him that such breach or failure will be remedied and all terms, requirements and conditions herein contained or prescribed, observed, performed or complied with, within one (1) year after the date of such notice. If the Ditch Company shall fail to furnish to the governor assurances and proofs as aforesaid, within such term of three (3) months, or, if having furnished the same, there shall at the end of said term of one (1) year, remain unperformed, unfulfilled, or unobserved, any term, requirement or condition herein contained on the part of the Ditch Company to be observed, kept or performed, then and in such case all of the franchises hereby granted, and the said lease, shall be forfeited and be null and void and of no effect.

**SECTION 12.** That the times herein fixed for completion of the said ditch to various points, for the expenditure of moneys in surveys, construction and other work aforesaid, and for the doing of any other or different act required by the Ditch Company may for good cause shown be extended by order of the governor for a time which he shall deem reasonable in view of such cause.

**SECTION 13.** The corporation formed by the said J. T. McCrosson as aforesaid, for the purposes aforesaid, and its property used for or in carrying into effect the purposes aforesaid, or any of them, and its income, shall be free from terri-

torial, municipal, and county property and income taxes for the term of ten (10) years after the approval of this act.

SECTION 14. The rates at which water flowing along said ditch, and power produced thereby, or incidental thereto, shall be sold to applicants, shall be fixed and published from time to time by the Ditch Company with the approval of the governor, and such rates shall be the same to all.

SECTION 15. Such rates shall be based upon the yielding of not more than sufficient revenues to pay the following, viz:

(1) The reasonable expenses of maintenance and operation of the ditch and other plant and appurtenances;

(2) Interest on any bonds issued to procure money with which to construct the ditch and other plant and appurtenances, at a rate not to exceed 6% per annum, payable semi-annually;

(3) An annual sinking fund to redeem all of such bonds within the term of the lease and franchises hereby granted;

(4) Dividends on the capital stock issue of the Ditch Company at a rate not to exceed 8% upon the actual cost of the ditch and other plant and appurtenances.

SECTION 16. If at any time the income of the Ditch Company shall exceed a sum sufficient for the purposes aforesaid, the rates for water and such power shall be reduced to an estimated figure, approved by the governor, which will produce an income in compliance with the provisions of the section last aforesaid.

SECTION 17. The Ditch Company shall at the end of each fiscal year, ending June 30th, file with the governor a report showing what its transactions have been during the previous year; what additions to the plant, if any, have been made; the actual cost thereof; its receipts and whence derived; and expenditures and for what made, during the previous year. Such reports shall be open to public inspection. The books, papers, accounts and records of said Ditch Company shall at all times be subject to the inspection of the governor or the commissioner, and to any agent or representative of said officers or either of them.

SECTION 18. At the end, or sooner determination, of the lease and franchises herein provided for, the ditch and other plant and appurtenances shall revert to and become the property of the Territory of Hawaii, without payment therefor, and free of all charges, expenses, liens or obligations whatsoever.

SECTION 19. The Territory of Hawaii may at any time after ten (10) years from the completion of the ditch purchase from the Ditch Company the ditch together with all property and rights of whatsoever nature appertaining thereto or used in connection therewith, for a sum equal to the cost

thereof plus twenty (20) per cent. of such cost. The amount to be paid to the Ditch Company for such purchase shall be determined by a commission of three (3) persons, one (1) to be appointed by the Ditch Company, or in case it should fail to do so within thirty (30) days after requested to do so by the governor then by the Chief Justice of the Supreme Court of Hawaii, one (1) by the purchaser and the third by the two (2) so appointed, or in case they should fail to agree upon the third member within thirty (30) days, then by said Chief Justice.

Either the Ditch Company or the Territory may appeal to the Supreme Court of Hawaii from the decision of such commission by filing a written notice of appeal with the commission within five (5) days after the decision is rendered. It shall thereupon be the duty of the commission immediately to certify up to the Supreme Court the record of its proceedings, showing in such certificate the valuation claimed by the association, the valuation claimed by the purchaser, and the valuation as determined by the commission. Such certificate shall be accompanied by copies of all papers, documents and evidence upon which the decision of the commission was based and a copy of such decision. Upon any such appeal the Supreme Court may in its behalf take or require further evidence to be introduced by either party.

Within six (6) months after the determination of the purchase price as aforesaid, the same shall be paid to the Ditch Company.

The Report of the Committee was received and placed on file, and the amended Concurrent Resolution was referred to the Printing Committee.

Senator Hewitt presented a Report (No. 210) from the Committee on Manufactures, Forestry and Promotion, recommending the passage of Senate Bill No. 112, as follows:

Honolulu, April 5, A. D. 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Manufactures, Forestry and Promotion to whom was referred Senate Bill No. 112, entitled "An Act to Regulate the Importation and Sale of Seed Into and Within the Territory of Hawaii," has had the same under careful consideration and begs leave to report as follows:

The object of this proposed law is to prevent as far as is

practicable the entry of weed seeds into the Territory of Hawaii and to make it possible for the people to get seed of the kinds of agricultural seed that they desire reasonably free from adulteration.

Pure seed laws are in line with the pure food and fertilizer control legislation of recent years. The present act follows closely a bill introduced in the last Federal Congress and an act now in force in North Dakota. Among other progressive States having legislation of this character are Maine, Virginia, Tennessee and Kentucky.

It is not proposed at this time to ask for an appropriation to carry on the seed inspection. With its present equipment, especially in connection with the Entomological inspection, the Board of Agriculture and Forestry will be able to make a beginning.

If later it is found advisable to pay more attention to seed inspection, the needs can be brought to the attention of subsequent legislatures.

Under the climatic conditions that exist in Hawaii the establishment of a bad weed is a serious menace to local agriculture, even more so than on the mainland.

The enforcement of a pure seed law will go far toward keeping this danger in check.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

GEO. C. HEWITT,  
Chairman.  
A. S. KALEIOPU,  
PHILIP PALI.

Upon motion by Senator Makekau, seconded by Senator Baker, the Report of the Committee was adopted; Senate Bill No. 112 passed Second Reading, and was placed on the Calendar for Third Reading on Thursday, April 6, 1911.

Senator Fairchild presented a Report (No. 211) from the Committee on Ways and Means, recommending that House Bill No. 205 be tabled, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred House Bill No. 205, an Act to amend Section 1320 of the



Revised Laws relating to the schedule of stamp duties, beg leave to report that the Bill in question is identically the same as Senate Bill No. 75, which, by a report of this Committee adopted on March 29th, was laid on the table.

We therefore recommend that this Bill be disposed of in the same manner.

Respectfully submitted,

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
JOHN T. BROWN,  
CECIL BROWN.

Honolulu, April 5th, 1911.

Upon motion by Senator Fairchild, seconded by Senator Kaleiupu, the Report of the Committee was adopted, and House Bill No. 205 was tabled.

Senator Fairchild presented a Report (No. 212) from the Committee on Ways and Means, recommending the passage of House Bill No. 3, as follows:

Honolulu, Hawaii, April 5, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 3, to provide for the construction of belt roads in the Territory, begs leave to report that they have had same under careful consideration, and recommend the passage of the same without amendment.

The enactment of this Bill into law will carry out the campaign pledge made by the Republican Party at the last election.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.  
CECIL BROWN,  
WM. T. ROBINSON,  
JOHN T. BROWN,  
Committee.

Upon motion by Senator Judd, seconded by Senator J. T. Brown, the Report of the Committee was adopted; House Bill

No. 3 passed Second Reading and was placed on the Calendar for Third Reading on Thursday, April 6, 1911.

A Communication (No. 173) from the House of Representatives, returning Senate Bill No. 83 with one amendment, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 5, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 83 which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

Strike out the word "Treasurer" in line 19 of Section 5, and insert in lieu thereof the word "Treasury".

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Hewitt, the House amendment to Senate Bill No. 83 was concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

A Communication (No. 174) from the House of Representatives, transmitting House Bill No. 220, was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 220, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill 220, entitled "An Act Making an Additional Appropriation for the Use of the Boys' Industrial School for the Biennial Period Ending the Thirtieth Day of June, 1911."

The Bill passed First Reading by Title and was placed on the Calendar for Thursday, April 6, 1911, for Second Reading.

A Communication (No. 175) from the House of Representatives, transmitting House Bill No. 193, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 193, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 193, entitled "An Act Relating to Harbors, Their Management, Control, Improvement and Regulation."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 176) from the House of Representatives, transmitting House Concurrent Resolution No. 18, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 5, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 18, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

#### CONCURRENT RESOLUTION.

WHEREAS, the Department of Public Works, through its Superintendent, has advertised and proposes to sell town lots on the slopes of Ualakaa, a portion of Makiki Valley, in the City and County of Honolulu, and

WHEREAS, said Makiki Valley is the only valley situated in or near the City of Honolulu that at this time remains government property, and

WHEREAS, said Valley is well adapted to the purpose of recreation and rest, and

WHEREAS, a large number of tax-payers and voters of the City and County of Honolulu have expressed themselves in a public meeting called to discuss the subject and advisability of setting aside as a public park or reservation all that portion of Makiki Valley and the adjoining slopes in the City and County of Honolulu, being government land, a correct description of which is hereto attached; Therefore

BE IT RESOLVED by the House of Representatives of the Sixth Legislature of the Territory of Hawaii, the Senate concurring, that all that portion of Makiki Valley and the adjoining slopes thereto, in the City and County of Honolulu, being government land, and lying mauka of the following described line:

Beginning at the Government Survey Trig. Station "Makiki" Concrete Monument and running by true azimuths:

1. 326° 48' 298.1 feet to the North corner of Lot 598, Grant 5332 to F. K. Howard, being on the makai side of Makiki Drive to forest ridge;
2. Thence 292° 31' 281.6 feet along the mauka boundary of Lot 598, Grant 5332 to F. K. Howard, to the East corner of said lot, being on the West side of the Makiki Valley Road;
3. 254° 42' 256.5 feet across the Makiki Stream and gulch to the Northwest corner of Lot 814;
4. 272° 45' 179.8 feet along the North side of Lot 814 to the Northeast corner of said lot, being on the makai edge of the road proposed Tantalus Auto Drive;
5. Thence running along the makai edge of the proposed Tantalus Auto Drive to a point on the road, the direct azimuth and distance being: 317° 02' 301.5 feet;
6. Thence running along the makai edge of the proposed Tantalus Auto Drive to a point on the road, the direct azimuth and distance being: 312° 09' 308.0 feet;
7. Thence running along the makai edge of the proposed Tantalus Auto Drive to a point on the road, the direct azimuth and distance being: 303° 35' 325.0 feet;
8. Thence running along the makai edge of the proposed Tantalus Auto Drive to a point on the Swanzy's pasture fence line, a boundary line of the Judd Estate lands, the direct azimuth and distance being: 8° 40' 242.0 feet.

be reserved and set aside as a park or reservation to be known as the Makiki Valley Park or Reservation; and that the Governor or other proper authorities of the Territory of Hawaii are hereby requested to take, without delay, the necessary legal steps to put into force and effect the sense of this Concurrent Resolution.

The Communication was received and placed on file, and the

Concurrent Resolution was referred to a Select Committee composed of the Senators from Oahu.

Senator Fairchild presented a Report (No. 21) from the Select Committee on House Bill No. 137, recommending the passage of the Bill, as follows:

Honolulu, T. H., April 5, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Select Committee composed of the Members from the Island of Kauai to whom was referred House Bill No. 137, wherein it seeks to raise the salary of the Deputy Sheriff of Koloa from \$900 to \$1200.00 per annum, begs leave to report as follows:

After correspondence with the Chairman of the Kauai Board of Supervisors as to the reasons for this increase, your Committee received the following letter:

"Hon. Geo. H. Fairchild,  
"Chairman, Ways and Means Committee,  
"Executive Building, Honolulu.

"Dear Sir:—

"I have received your communication under date of April 3rd in regard to the proposal to increase the pay of the Deputy Sheriff of the District of Koloa from \$900.00 to \$1200.00 per annum and asking for the reasons for this increase.

"I am in favor of this increase because the District referred to is a very populous one, covering a large territory. It embraces two large plantations and a large population independent of plantations.

"The receipts for fines and costs of the District Court of Koloa for 1910 show how well the present Deputy Sheriff is covering the ground.

"I sincerely hope that your Honorable Committee will see fit to grant this increase.

"Yours very respectfully,

"Sgd. H. D. WISHARD."

In view of the foregoing your Committee recommends that the Bill pass.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.  
ERIC A. KNUDSEN.

Upon motion by Senator Pali, seconded by Senator Kaleiupu, the Report of the Committee was adopted; House Bill No. 137 passed Second Reading, and was placed on the Calendar for Thursday, April 6, 1911, for Third Reading.

A Communication (No. 177) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 212, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 5, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 212 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 178) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 211, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 5, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 211 were this day con-

curred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Senator Pali gave notice of his intention to introduce the following Bills:

1. "An Act to Prescribe the Time When Officers of the County of Maui Shall Be Elected."

2. "An Act to Prescribe the Tenure of Office and Manner of Election of Supervisors of the County of Maui."

Under suspension of the Rules, Senator Pali introduced Senate Bill No. 119, entitled "An Act to Prescribe the Time When Officers of the County of Maui Shall Be Elected."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The Rules being suspended, Senator Pali introduced Senate Bill No. 120, entitled "An Act to Prescribe the Tenure of Office and Manner of Election of Supervisors of the County of Maui."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 3:00 o'clock P. M., the Senate resolved itself into a Committee of the Whole for the further consideration of Senate Bills Nos. 22 and 50; Senator Makekau in the Chair.

At 4:10 o'clock P. M., the Committee rose, reported progress and asked leave to sit again.

The Report of the Committee was adopted.

Upon motion by Senator Hewitt, seconded by Senator Judd, the amendments made by the House to Senate Bill No. 99 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators C. Brown and Quinn.

Second Reading of House Bill No. 196, entitled "An Act Relating to the Employment of Prisoners in the County and City and County Jails."



Upon motion by Senator Makekau, seconded by Senator Baker, the Bill was tabled.

At 4:22 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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### FORTY-THIRD DAY.

Thursday, April 6, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Forty-second Day was read and approved.

Senator J. T. Brown presented a Report (No. 213) from the Printing Committee, stating that Senate Bills Nos. 118, 119 and 120 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 118, entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii as Amended by Act 96 of the Session Laws of 1907, by Amending Section 1418H Thereof, Relating to Peddlers."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 119, entitled "An Act to Prescribe the Time When Officers of the County of Maui Shall Be Elected."

Referred to a Select Committee of Maui Senators.

Second Reading of Senate Bill No. 120, entitled "An Act to Prescribe the Tenure of Office and Manner of Election of the Supervisors of the County of Maui."

Referred to a Select Committee of Maui Senators.

Third Reading of Senate Bill No. 47, entitled "An Act Relating to Circuit Court Receipts and Expenses."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senator Kalama.

Absent and not voting: Senators Baker and J. T. Brown.

Third Reading of House Bill No. 3, entitled "An Act to Provide for the Construction of Belt Roads."

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and J. T. Brown.

Third Reading of House Bill No. 175, entitled "An Act to Repeal Chapter 73 of the Revised Laws of Hawaii, Relating to Building and Moving Permits."

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and J. T. Brown.

Third Reading of House Bill No. 137, entitled "An Act to Amend Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof.'"

Upon motion by Senator Fairchild, seconded by Senator Kaleiopu, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and J. T. Brown.

Third Reading of House Bill No. 142, entitled "An Act Re-

lating to the Duties of the Sheriffs of the Several Counties or City and County, or the Officer or Person in Charge of Any Jail in the County or City and County, in Regard to the Services of an Attorney for Persons About to be Confined in Such Jail Upon a Charge of Any Offence."

Upon motion by Senator Judd, seconded by Senator Makekau, the Bill was deferred until Friday, April 7, 1911, for consideration upon Third Reading.

Third Reading of House Bill No. 144, entitled "An Act Relating to Insane Persons, Amending Sections 4, 8 and 10 of Act 149 of the Laws of 1909, and Adding Thereto Three New Sections to be Known as Sections 5A, 9A and 10A."

Upon motion by Senator Judd, seconded by Senator Kaleiopu, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of Senate Bill 112, entitled "An Act to Regulate the Importation and Sale of Seed Into and Within the Territory of Hawaii."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Second Reading of House Bill No. 220, entitled "An Act Making an Additional Appropriation for the Use of the Boys' Industrial School for the Biennial Period Ending the Thirtieth Day of June, 1911."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 7, 1911.

A Communication (No. 179) from the House of Representatives, transmitting House Bill No. 5, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 5,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very truly yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 5, entitled "An Act to Pro-  
vide for Entertainment and Expenses for Such Senators and  
Members of the House of Representatives of the United States,  
and Other Distinguished Persons as May Visit the Territory of  
Hawaii, Prior to June Thirtieth, 1913."

The Bill passed First Reading by Title and was referred to  
the Committee on Ways and Means.

A Communication (No. 180) from the House of Representa-  
tives, transmitting House Bill No. 171, was read by the Clerk  
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 171,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 171, entitled "An Act to Provide for the Exemption of the Family Homestead from Forced Sale."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 181) from the House of Representatives, transmitting House Bill No. 227, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 227, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 227, entitled "An Act to Amend Sections 6 and 8 of Act 48 of the Session Laws of 1911, Entitled 'An Act to Define, Regulate and License Emigrant Agents.'"

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 48) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 53, 58 and 39, and House Bills Nos. 179, 27 and 32, was read by the Clerk as follows:

EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., April 6, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I have the honor to inform your Honorable Body that the Governor has this day, at 10 A. M., signed the following bills:

Senate Bill No. 53, as Act 63, entitled: "An Act Declaring and Designating a Certain Tract of Government Land at Kalamalama 5, Napoopoo, South Kona, Hawaii, as a Public Park;"

Senate Bill No. 58, as Act 64, entitled: "An Act Relating to the Records in the Office of the Clerk of the Supreme Court;"

House Bill No. 179, as Act 65, entitled: "An Act Amending Section 2621 of Chapter 159 of the Revised Laws of Hawaii, as Amended by Act 77 of the Session Laws of 1905, Act 124 of the Session Laws of 1907, and Act 126 of the Session Laws of 1909, Relating to Insurance Corporations and Companies;"

Senate Bill No. 39, as Act 66, entitled: "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Street Railway in the District of South Hilo, County of Hawaii;"

House Bill No. 27, as Act 67, entitled: "An Act to Amend Section 69 of Chapter 7 of the Revised Laws of Hawaii, Relating to Elections;"

House Bill No. 32, as Act 68, entitled: "An Act to Provide for the Registration of Voters."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 49) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 212 and 211, was read by the Clerk as follows:

## SENATE JOURNAL.

## EXECUTIVE BUILDING

Secretary of Hawaii.

Honolulu, T. H., April 6, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I have the honor to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 212, as Act 69, entitled: "An Act Declaring, Establishing and Defining Legal and Equitable Remedies for Inducing, Enticing or Persuading, or Attempting to Induce, Entice or Persuade, Servants or Laborers to Leave Their Employment, or Aiding, Abetting or Attempting to Aid or Abet Such Leaving;"

House Bill No. 211, as Act 70, entitled: "An Act to Prevent the Inducing, Enticing or Persuading of Servants or Laborers to Leave Their Employment."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 182) from the House of Representatives, transmitting House Joint Resolution No. 7, relating to the disposition of public lands by the Administration, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Joint Resolu-

tion No. 7, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

HOUSE JOINT RESOLUTION NO. 7.

BE IT RESOLVED by the Legislature of the Territory of Hawaii that the Chairman of the Committee on Public Lands and Internal Improvements of the House of Representatives, the Chairman of the Committee on Agriculture, Forestry, Promotion and Immigration of the House of Representatives, the Chairman of the Committee on Public Lands of the Senate, the Chairman of the Committee on Manufactures, Forestry and Promotion of the Senate, and one other person to be named by the Governor, shall be, and they are hereby appointed and constituted a Committee for the purposes hereinafter set forth.

No officer or employee of, or stockholder in, any grazing, planting or transportation corporations, nor any manager, trustee, or employee of any grazing or other large landed estate, shall be eligible for such appointment by the Governor.

It shall be the duty of such Committee to organize as soon as may be after appointment, and to elect one of its members as Chairman and one of its members as Secretary of such Committee, and thereafter to inquire into the methods and policy which have in recent years been observed, and are now observed and followed by the Territorial Administration with respect to the management, control, leasing and other disposition of the public lands, and especially to inquire whether said Territorial Administration has fairly, intelligently and impartially administered the law with reference to the setting aside and allotment of lands for homestead purposes, and with reference to the treatment of homesteaders to whom such allotments have been made; and further to inquire whether said Administration has faithfully and impartially administered said laws as between the planting or grazing corporations and other large land-holders on the one hand, and those desiring to obtain, or those holding homesteads on the other hand; such inquiries to include all questions concerning the use and disposition of water and water rights pertaining to the Government as between corporations and individuals; and further to inquire to what extent, if at all, the owners or managers of planting or grazing corporations or estates, have combined, or are now combining, to the end or for the purpose



of depressing the rental or other values of privately owned lands adjoining or adjacent to the estates of such grazing or planting corporations or estates, respectively, or whether any oppressive measures have been or now are in vogue on the part of such, or any of such corporations, or estate owners, toward the owners or holders of privately owned lands in their respective vicinities, or whether the policy pursued by any such planting or grazing corporations, or estate owners, or by any corporation or corporations engaged in the transportation of passengers or freight within or between ports of this Territory is inimical to the best interests of small land holders, and to what extent such corporations, or any of them, might profitably be regulated by law in the interest of the building up of a system of small farming and of a class of small farmers within this Territory.

It shall further be the duty of such Committee to report its findings and recommendations in the premises to the Governor not later than January 1, 1913, and the Governor shall transmit such report to the Legislature at its next Regular Session.

The members of such Committee shall serve without compensation, but their reasonable expenses shall be paid upon the certificate of the Chairman and the Secretary of said Committee, and the sum of two thousand dollars (\$2,000.00) is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, for the payment of such expenses.

S. P. CORREA,  
Representative, 5th District.

March 29, 1911.

The Communication was received and placed on file, and House Joint Resolution No. 7 was referred to the Committee on Public Lands and Internal Improvements.

Senator Quinn presented a Report (No. 214) from the Committee on Accounts, showing the Expenditures to date by the Senate, as follows:

#### SENATE CHAMBER.

Honolulu, T. H., April 6, 1911.

Hon. Eric A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Sir:—

Your Committee on Accounts begs leave to herewith pre-

sent a partial report of the expenses of this Session of the Senate up to Saturday, April 1st, 1911, the Thirty-ninth Day of the Session.

The amount drawn on the Territorial Appropriation subsequent to March 11th, 1911, the date on which the accounts, heretofore reported were closed, was.....\$3,000.00

Segregated as follows:

Compensation as Senators (2nd Installment).....	\$ 3,000.00
Printing in Hawaiian .....	84.00
Translating into Hawaiian .....	45.00
Printed Supplies for Senate use .....	84.00
Legal Services to Special Senate Committee .....	10.00
Hire of Typewriter .....	10.00
Auto Hire, Re Trip to Forts: Diamond Head, Puuloa and Lilehua .....	200.00
Auto Hire, Re Trip to Kalihi Poi Factory and Kalihi Camp by Senate Committee on Public Health...	13.50
Horse Hire on Molokai .....	19.50
Transportation, Re Trip to Molokai, per S. S. Mauna Kea .....	275.00
Services Interpreter, Re Molokai Investigation .....	10.00
Services Sergeant-at-Arms, Re Molokai Trip .....	10.00
Services Clerk Senate Public Health Com. Re Molo- kai Investigation .....	5.00
Repairing Broken Telephone .....	5.00
Repairing Toilet and Lavatory .....	8.85
Purchase of New Typewriter .....	105.00
Purchase Silver Badge (Sergeant-at-Arms) .....	10.00
Transportation Re Trip, Boys' Industrial School, Wai- alee .....	68.00
Advertising, Public Hearings .....	14.50
Subscription to Kuokoa, 15 Copies 2 Mo. at 20c.....	6.00
Laundry .....	2.00

The amount drawn on the Federal Appropriation subsequent to March 11th, 1911, the date on which the accounts heretofore reported were closed, was .....\$3,916.16

Segregated as follows:

Salaries and Clerk Hire .....	\$ 1,739.00
Stationery .....	409.70
Furniture .....	447.00
Printing .....	722.10
Typewriting .....	335.25

Labor (General Renovating) .....	95.21
Advertising Public Hearings .....	26.00
Incidentals .....	84.45
• Rental of Telephone .....	7.15
Postage .....	40.90
Newspaper Subscriptions .....	9.40

Balance of Territorial Appropriation as  
per Report dated March 13th, 1911.....\$19,894.50  
Amount Drawn therefrom, to April 1st, 1911 3,985.35

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Balance on Hand Territorial Appropriation..\$15,909.15

Balance of Federal Appropriation as per  
Report dated March 13th, 1911 .....\$ 9,587.95  
Amount Drawn therefrom, to April 1st, 1911 3,916.16

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Balance on Hand Federal Appropriation..\$ 5,671.79

Total Amount drawn on both Territorial  
and Federal Appropriations to April 1st,  
1911, subsequent to March 11th, 1911.....\$ 7,901.51

Total Balance on Hand .....\$21,580.90

Respectfully submitted,

E. W. QUINN,  
Chairman.  
WM. T. ROBINSON,  
GEO. C. HEWITT.

The Report of the Committee was received and placed on file.  
Senator Hewitt presented a Report (No. 215) from the Com-  
mittee on Manufactures, Forestry and Promotion, recommend-  
ing the passage of House Bill No. 91, as follows:

Honolulu, April 6, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Manufactures, Forestry and Promotion,  
to whom was referred House Bill No. 91, entitled "An Act to  
Encourage Certain Industries," has had the same under care-  
ful consideration and begs leave to report as follows:

The Bill seeks to exempt from taxation for three years,

from and after January 1, 1911, all property real and personal, actually used in the production of cotton, tobacco, sisal, rubber, and copra for commercial purposes.

Your Committee is in favor of the features of the Bill and therefore recommends its passage.

Respectfully submitted,

GEO. C. HEWITT,  
Chairman.

PHILIP PALI,  
A. S. KALEIOPU.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 91 passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 7, 1911.

Senator Judd presented a Report (No. 216) from the Judiciary Committee, recommending the tabling of House Bill No. 185, as follows:

#### REPORT ON HOUSE BILL NO. 185.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 185, To Amend Chapter 151 of the Revised Laws of Hawaii, Relating to Registration of Conveyances by Adding Thereto Three Sections to be Known as Sections 2358A, 2358B and 2358C, Providing for County Records of Conveyances, begs leave to report as follows:

The objects sought to be attained by this bill are to provide for the keeping in the various counties of records of conveyances registered in the office of the Registrar of Conveyances, and which concern land within the respective counties, and requiring the Registrar to furnish such records, and to furnish in addition indexes thereof.

Your Committee has given this bill very careful consideration, and finds that to carry out the provisions thereof would burden the Territory with a heavy expense, it being estimated that it would require in the neighborhood of \$15,000.00 to do this work for the next biennial period. This expense is very large in view of the small demand there is for this additional work. It is believed that there is very little demand on the part of people on the other Islands for County Records of this sort, and that the call only comes from a very few per-

sons. Such being the case, and in view of the condition of the finances of the Territory it does not seem advisable to incur the large expense necessary to carry out the provisions of this bill, and especially in view of the small demand therefor.

Your Committee therefore recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 6, 1911.

Committee.

The Report of the Committee was adopted, and House Bill No. 185 was tabled.

Senator Chillingworth presented a Report (No. 217) from the Committee on Public Health, recommending the passage of House Bill No. 150, as follows:

Honolulu, Oahu, April 6, 1911.

Honorable E. A. Knudsen,

President of the Senate.

Sir:—

Your Committee on Public Health, to whom was referred House Bill No. 150, entitled "An Act Relating to Adulterated Foods and Drugs, Amending Sections 1041 and 1043 of the Revised Laws and Adding a New Section to be Known as Section 1042A," has had the same under careful consideration and begs leave to report as follows:

This Bill has had the Committee's careful consideration, and recommends its passage for the same reasons as stated in the report of this Committee on Senate Bill No. 89, to wit, the safeguarding to the consumer of certain food products.

This Bill establishes certain standards as to certain food products, and will be of material assistance to the Government in prosecutions for the adulteration of food products.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,

Chairman.

ALBERT F. JUDD,

PHILIP PALI.

Upon motion by Senator Quinn, seconded by Senator Kalei-opu, the Report of the Committee was adopted; House Bill No. 150 passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 7, 1911.

Senator Chillingworth presented a Report (No. 218) from the Committee on Public Health, recommending the tabling of Senate Bill No. 43, as follows:

Honolulu, Oahu, April 6, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health, to whom was referred Senate Bill No. 43, entitled "An Act to Provide for Medical Inspection of the Public School Children in the Territory of Hawaii," has had the same under careful consideration and begs leave to report as follows:

We regard the purposes of this Bill excellent, but at the present time there is no necessity of it.

Government Physicians now perform many, if not all, the requirements of the Act, while teachers are not only required to take an interest in the health of their children, but as a part of their teaching to give them elementary ideas on hygiene and sanitation.

For the above reasons, your Committee recommends that this Bill be tabled.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD.

The Report of the Committee was adopted, and Senate Bill No. 43 was tabled.

Senator Chillingworth presented a Report (No. 219) from the Committee on Public Health, recommending the passage of Senate Bill No. 89 with one amendment, as follows:

Honolulu, Oahu, April 6, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health, to whom was referred

Senate Bill No. 89, entitled "An Act to Provide for the Issuance of Licenses for the Manufacture, Compounding and Preparation of Certain Food Products," has had the same under careful consideration and begs leave to report as follows:

In line 5 of Section 1 of this Bill, your Committee recommends the changing of the word "of" to "or".

This Bill seeks to create a safeguard to the consumer of certain Food Products, and therefore recommends the passage of the Bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

ALBERT F. JUDD,  
PHILIP PALI.

Upon motion by Senator Makekau, seconded by Senator J. T. Brown, the Report of the Committee was adopted; Senate Bill No. 89 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Tuesday, April 11, 1911.

A Communication (No. 183) from the House of Representatives, returning Senate Bill No. 106, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 106, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 184) from the House of Representatives, transmitting House Concurrent Resolution No. 21, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 21, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 21.

WHEREAS, there is a general complaint from persons applying for titles to homesteads, that the Department of Public Lands is wrongfully holding back and delaying the granting of such titles:

THEREFORE, BE IT RESOLVED, by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate concurring, that the Commissioner of Public Lands is hereby directed to furnish the following information:

First: How many applications for titles are now held in the Department, or in the hands of the Attorney General.

Second: The name of each applicant, the date when lease was issued, the date of application for title, the amount of money paid on each application, and the date when referred to the Attorney General.

Third: Have there been any protests against the granting of any of the said titles, and if so, by whom?

Fourth: Have there been any protests against the opening of any of these lands for settlement, and if so, by whom?

The Communication was received and placed on file, and upon motion by Senator Kaleiopu, seconded by Senator Makekau, House Concurrent Resolution No. 21 was adopted.

At 11:43 o'clock A. M., the Senate took a recess until 2:00 o'clock P. M.



## AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

Senator Fairchild presented a Report (No. 220) from the Committee on Ways and Means, recommending the passage of Senate Bill No. 113 with one amendment, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred Senate Bill No. 113, report that they have had same under consideration.

The Act introduced is for the purpose of turning over to the several Counties and to the City and County of Honolulu, all the fees paid for the licenses issued under the provisions of the Act entitled "An Act to Regulate the Sale of Intoxicating Liquors," etc. Under the law now on the Statute Books, the fees are paid over to the Treasurer of the Territory. As the payment of the expenses of the Circuit Courts have been at this session made payable by the Counties and the City and County of Honolulu, other revenue must be provided in order that enough money to pay such extra expenses can be provided for, and the Act under consideration was introduced for that purpose.

In making this change, it is necessary therefore that the several Counties and the City and County of Honolulu should pay all the expenses incurred in the administration of the Act to regulate the sale of intoxicating liquors, etc. It will therefore be necessary that an amendment be made to the Act now under consideration providing for the payment of the expenses incurred by the several Boards of Liquor Commissioners in the Counties and in the City and County of Honolulu.

The Committee therefore recommends that an amendment at the end of Section 26 as proposed by the Act under consideration be made as follows:

"And the expenses of the Board in each County or City and County and the salaries to be fixed by the Board of all officers appointed by it, shall be paid by the Treasurer of such County or City and County, upon warrants issued by the Auditor thereof upon requisitions therefor made by the Chairman of the Board to an amount not exceeding the following in any year:

City and County of Honolulu .....	\$7,500."
County of Hawaii .....	2,500.00
County of Maui .....	1,250.00
County of Kauai .....	1,250.00"

Should this amendment be adopted, the appropriation already made under the head of "Liquor Commission \$25,000" in Act 22 now under consideration by this body, should be stricken out.

With the above amendment, we recommend the passage of the Act.

Respectfully submitted,

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
E. W. QUINN,  
CECIL BROWN.

Honolulu, April 6, 1911.

Upon motion by Senator Kalama, seconded by Senator Baker, the Report of the Committee was adopted; Senate Bill No. 113 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Friday, April 7, 1911.

Senator Baker gave notice of his intention to introduce a Bill entitled "An Act to Repeal Chapters 46 and 47 of the Revised Laws, Relating to Waterworks at Wailuku, Kahului and North Kohala."

Under suspension of the Rules, Senator Baker introduced Senate Bill No. 121, entitled "An Act to Repeal Chapters 46 and 47 of the Revised Laws, Relating to Waterworks at Wailuku, Kahului and North Kohala."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 2:07 o'clock P. M., the Senate resolved itself into a Committee of the Whole, Senator Makekau in the Chair, for the consideration of Senate Bills Nos. 22 and 50.

At 4:16 o'clock P. M., the Committee rose, reported progress and asked for time in which to file their report.

The Report of the Committee was adopted.

A Communication (No. 185) from the House of Representatives, notifying the Senate of its non-concurrence in the amendment made to House Bill No. 48, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 6, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii, this day, failed to concur in the Senate amendment to House Bill No. 48, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Castle, Waiaholo and Kanekoa.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, whereupon the Chair appointed Senators Judd, C. Brown and Makekau as Senate Conferees for the further consideration of House Bill No. 48.

Senator Chillingworth presented a Report (No. 221) from the Committee on Public Health, recommending the passage of Senate Bill No. 44 with one amendment, as follows:

Honolulu, Oahu, April 6, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health has had Senate Bill No. 44 under consideration and recommends that the bill pass with the following amendment, viz:

In line 2 of Section 1 amend by striking out the word "Twenty" and the figures "20,000.00" and insert in lieu thereof "Five" and the figures "5,000.00."

Your Committee finds that since the date named in the bill only eleven persons have been found free from disease and nearly all have since found employment.

This Bill does not contemplate those to be discharged in the future and your Committee therefore believes that the sum of Five Thousand will be sufficient.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

ALBERT F. JUDD,  
PHILIP PALI.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted; Senate Bill No. 44 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Friday, April 7, 1911.

Senator J. T. Brown presented a Report (No. 222) from the Printing Committee, stating that Senate Concurrent Resolution No. 6 was printed and ready for distribution.

The Report of the Committee was received and placed on file, and Senate Concurrent Resolution No. 6 was placed on the Calendar for Friday, April 7, 1911, for consideration.

Senator Chillingworth presented a Report (No. 223) from the Committee on Public Health, recommending the passage of House Bill No. 135 with certain amendments, as follows :

Honolulu, Oahu, April 6, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health begs leave to report on House Bill No. 135 as follows:

After a careful consideration we recommend that the title be amended so as to read as follows:

**"AN ACT  
TO PROVIDE A CLOSE SEASON FOR THE PROTECTION  
OF MULLET."**

In line 4 of Section 1, strike out the words "of amaama, otherwise known as."

In line 8 of Section 1, strike out the words "Amaama, otherwise known as."

In line 11 of Section 1, strike out the following words "Ama-

ama, otherwise known as," and also the same words in lines one and two of Section 3.

In line 13 of Section 1, strike out remainder of section after the words "privately owned."

Amend after words "privately owned" by placing a period instead of a semi-colon.

Your Committee has made a careful investigation of the results of passing this bill without the foregoing amendments and find that to pass it would be to exterminate the carrying on of the fish industry as far as fish ponds are concerned.

Mullet do not breed in ponds and it is absolutely necessary to re-stock the fish ponds with young fish taken from the sea during the spawning season.

As Mullet do not propagate their young in Ponds your Committee feels that it would be an injustice to prevent owners of fish ponds from selling their fish or to prevent them by law from taking young fish from the sea to re-stock their ponds.

Your Committee finds a considerable difference of opinion as to what should be the closed season.

Inquiry of the Staff of the B. P. Bishop Museum discloses that "unluckily science knows nothing positive about the breeding season of most of the Hawaiian fish."

While the director of the Museum believes the spawning season of the Mullet is early in the year one of the Staff inclines to the theory that the season is in June and July and the ichthiologists Jordan and Everman say that the principal spawning season is from the latter part of October to the early part of February (Commissioner's Report 1901, U. S. Commission of Fish and Fisheries).

The Bill as amended is recommended for passage by this Committee, as it might be of some good.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD.

Upon motion by Senator C. Brown, seconded by Senator Kalamā, the Report of the Committee was adopted; House Bill No. 135 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Friday, April 7, 1911.

Upon motion by Senator Fairchild, seconded by Senator Chil-

lingworth, House Bill No. 193 was referred to the Judiciary Committee.

At 4:25 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## FORTY-FOURTH DAY.

Friday, April 7, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator J. T. Brown absent.

The Journal of the Forty-third Day was read and approved.

A Communication (No. 27) from Mr. W. A. Bowen, enclosing Resolutions relating to the School Bill, was read by the Clerk as follows:

Honolulu, Hawaii, April 6, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Honolulu, Hawaii.

Dear Sir:—

I am authorized to hand you, herewith, a Resolution pertaining to Senate Bill No. 18 (and House Bill No. 219). Please accept the same as for and in behalf of the following Societies:

1. **Palama Settlement:**

Signed by its Trustees,

J. R. GALT,  
DOREMUS SCUDDER,  
W. F. DILLINGHAM,  
RICHARD IVERS,  
F. J. LOWREY,  
W. R. CASTLE.

**2. Central Union Church:**

Signed by its Minister, and Clerk,

DOREMUS SCUDDER, Minister.

LYLE A. DICKEY, Church Clerk.

**3. Christian Endeavor Society Central Union Church:**

Signed by its Officers,

IRA D. P. CANFIELD, President.

MYRTLE T. DICKSON, Secretary.

**4. Anti-Saloon League of Hawaii:**

Signed by its Officers,

W. A. BOWEN, President.

LYLE A. DICKEY, Secretary.

**5. Woman's Christian Temperance Union:**

Signed by its Officers,

MRS. J. M. WHITNEY, President.

RUTH C. SCUDDER, Vice-President.

MRS. ALICE C. JORDAN,

Corresponding Secretary.

MRS. LYDIA BINGHAM COAN, Treasurer.

**6. Salvation Army Home:**

Signed by its Officers,

MISS C. L. McABEE, Staff Captain.

CLARA M. LONG, Adjutant.

CARRIE M. DOUGHTY, Captain.

**7. Portuguese Evangelical Church:**

Signed by its Officers,

REV. A. V. SOARES, Pastor.

A. H. R. VIEIRA, Clerk.

MR. J. B. MELIM.

**8. The Portuguese Young People's Society of Christian Endeavor:**

Signed by its Officers,

A. H. R. VIEIRA, President.

MARGARET T. BRANCO,

Secretary pro tem.

**9. Associated Charities:**

Signed by its Officers,

W. D. WESTERVELT, Acting President.

MRS. J. M. WHITNEY, Recording Secretary.

G. G. FULLER, Treasurer.

MRS. ALICE C. JORDAN, Manager.

Respectfully submitted,

W. A. BOWEN.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Trustees of Palama Settlement, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

J. R. GALT,  
DOREMUS SCUDDER,  
W. F. DILLINGHAM,  
RICHARD IVERS,  
F. J. LOWREY,  
W. R. CASTLE.

Passed April 4th, 1911.  
Honolulu, Hawaii.

#### INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying



for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Central Union Church, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

DOREMUS SCUDDER,

Minister.

LYLE A. DICKEY,

Church Clerk.

Passed April 5, 1911.

Honolulu, Hawaii.

#### INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and,

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Christian Endeavor Society of Central Union Church, of Honolulu, Hawaii,

do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

I. D. P. CANFIELD,  
President.  
M. T. DICKSON,  
Secretary.

Passed Friday, March 31st, 1911.  
Honolulu, Hawaii.

**INFORMATIONAL:**

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Anti-Saloon League, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

W. A. BOWEN,  
President.  
LYLE A. DICKEY,  
Secretary.

Passed April 3, 1911.  
Honolulu, Hawaii.

## INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Woman's Christian Temperance Union, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

MRS. J. M. WHITNEY,  
President.

RUTH C. SCUDDER,  
Vice-President.

ALICE C. JORDAN,  
Corresponding Sec.

LYDIA BINGHAM COAN,  
Treasurer.

Passed March 31, 1911.  
Honolulu, Hawaii.

## INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied busi-

ness interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction.

THEREFORE, RESOLVED, That We, the Officers of the Salvation Army Home, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

C. L. McCABEE,

Staff Captain.

CLARA M. LONG,

Adjutant.

CARRIE M. DOUGHTY,

Captain.

Passed March 31, 1911.

Honolulu, Hawaii.

#### INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for ad-

mission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Portuguese Evangelical Church, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

A. V. SOARES,  
A. H. R. VIEIRA,  
J. B. MELIM.

Passed April 5, 1911.  
Honolulu, Hawaii.

#### INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Portuguese Young People's Society of Christian Endeavor, of Honolulu, Hawaii,

do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

THE PORTUGUESE YOUNG  
PEOPLE'S SOCIETY OF CHRISTIAN  
ENDEAVOR,

By A. H. R. VIEIRA,  
Its President.

MARGARET T. BRANCO,  
Its Secretary Pro-tem.

Passed April 3rd, 1911.  
Honolulu, Hawaii.

INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Associated Charities, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently peti-

tion the members of the Legislature of the Territory of Hawaii to pass the same.

BY ITS OFFICERS,

W. D. WESTERVELT,  
Acting President.

MRS. J. M. WHITNEY,  
Recording Secretary,

G. G. FULLER,  
Treasurer.

ALICE C. JORDAN,  
Manager.

Passed April 4, 1911.  
Honolulu, Hawaii.

INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

The Communication was received and placed on file.

Senator Makekau presented a Report (No. 22) from the Committee of the Whole, recommending the passage of Senate Bill No. 50 with certain amendments, as follows:

Honolulu, Hawaii, April 7, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to whom was referred Senate Bill No. 50 after due and careful consideration begs to recommend that the Bill pass with the following amendments:

Amend item 1 to read "Honolulu Water Works \$500,000.00."

Amend item 5 to read "Napoopoo (Wharf and Shed) \$15,000.00."

Strike out item 6 and 9.

Renumber the items from item 7 to item 18 in their order.

Add three items numbered "17, 18 and 19 respectively to read '17. Reclamation Government swamp lands \$35,000.00; 18. Addition South Hilo Court House \$5,000.00; 19. Waiohinu Court House \$2,000.00.' "

Strike out the words "Belt roads and bridges as follows" under the sub-heading "County and City and County Improvements."

Amend the present item 19 to read "20. City and County of Honolulu. Construction of Belt Roads, Bridges and other roads \$100,000.00."

Insert a new sub-head to read "Construction of Belt Roads and Bridges as follows" between the items 19 and 20.

Renumber item 20 to read 21, and insert the figures \$250,000.00."

Renumber item "21" to read "22" and insert "\$600,000.00."

Renumber "22" to read "23," and insert "\$100,000.00."

Add two new items to be item "24" Completion of the Kula pipe line extending the line from Waiakamoi to water head, the building of reservoirs at or near Olinda, Waiakoa, and Keokea, and the further extension from the main line to the County Roads \$50,000.00." 25. Waiakoa Water Works \$10,000.00.

Amend the sub-heading "School buildings, teachers' Cottages and Equipment, as follows: to read "School Buildings and Equipment, as follows:"

Insert a new item after the item "Kauluwela \$30,000.00" to read item "29. Kalihi Kai \$8,000.00."

Strike out item "26" and "28."

Strike out item "31" and insert in lieu thereof "Keaiwa School House \$3,000.00."

Amend item "34" to read "Eleele \$20,000.00."

Strike out the present item "33."

Amend the figures in Sections 2, 3, 4, 5, 6 and 7 to correspond with the amendments made to the different items.

Respectfully submitted,

R. H. MAKEKAU,

Chairman.

Upon motion by Senator Pali, seconded by Senator Kaleiupu, Senate Bill No. 50 was recommitted to the Committee of the Whole.

At 10:33 o'clock A. M., the Senate resolved itself into a Committee of the Whole for the further consideration of Senate Bill No. 50, Senator Makekau in the Chair.

At 10:48 o'clock A. M., the Committee rose, and Senator Makekau reported verbally, recommending the passage of the Bill with certain amendments.

Upon motion by Senator Fairchild, seconded by Senator Judd, the Report of the Committee was adopted; Senate Bill No. 50



passed Second Reading as amended, and was placed on the Calendar for Third Reading on Saturday, April 8, 1911.

Senator Makekau presented a Report (No. 23) from the Committee of the Whole, recommending the passage of Senate Bill No. 22 with certain amendments, as follows:

Honolulu, Hawaii, April 7, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to whom was referred Senate Bill No. 22, beg to report that after due and careful consideration recommend that the Bill pass with the following amendments:

On Page 1 under the heading "Public Archives" the item "Expenses, copying, translating, printing, binding \$4,800.00," amend it to read \$6,000.00."

Under the heading "Library of Hawaii" the item "Maintenance," amend it to read "\$10,000.00" instead of "\$12,000.00."

Under the heading "Permanent Settlements" on Page 2 the item "Queen Liliuokalani \$625.00; \$15,000.00" strike it out.

Under the heading "Treasury Department" the item "Registrar of Public Accounts (\$225.00) \$5,400.00" amend it to read "(\$300.00) \$7,200.00."

Under the heading of "Bureau of Taxes" the item "Salary of Tax Assessor, Hawaii (\$200.00 \$4,800.00" amend it to read "(\$225.00) \$5,400.00."

Under the heading "Bureau of Conveyances" the items "Registrar (\$225.00) \$5,400.00" and "Deputy Registrar (\$150.00) \$3,600.00" amend them to read "Registrar (\$250.00) \$6,000.00; Deputy Registrar (\$175.00) \$4,200.00."

Under the heading "Liquor Commission" the item "Expenses \$25,000.00" Page 4, strike it out.

Strike out items under the heading of "Public Instruction."

Under the heading "Public Works, Public Lands and Survey" at the top of Page 6, amend it to read "Public Works."

The item under sub-heading "General" "Superintendent of Public Works, Commissioner of Public Lands and Surveyor (\$416.66  $\frac{2}{3}$ ) \$10,000.00" amend it to read "Superintendent of Public Works (\$400.00) \$9,600.00."

The item "Engineers, Architects, Draughtmen, Surveyors, Clerks, Stenographers, Sub-Agents, Rangers, Messengers, Expenses \$90,000.00" amend it to read "Officers and Employees \$30,000.00."

The sub-heading "Land Board" and item "Secretary (\$50.00) \$1,200.00" and "Expenses \$2,000.00," strike it out.

Under the sub-heading "Landings and Wharves" the item "Sweepers (3 at \$40.00) \$3,840.00," amend it to read "Sweepers (3 at \$50.00) \$3,600.00."

Under the sub-heading "Pilots" the item "Hilo: Pilot, Gunpowder and Kerosene Oil Keeper (\$175.00) \$4,200.00," amend it to read "Hilo: Gunpowder and Kerosene Oil Keeper (\$200.00) \$4,800.00."

Under the item "Keeper, Powder Magazine, Honolulu \$1,800.00" insert the following items "Public Lands: Commissioner of Public Lands (\$400.00) \$9,600.00, Officers, employees Expenses \$25,200.00." Land Board: Secretary \$1,200.00, Expenses \$2,000.00; Survey: Surveyor (\$250.00) \$6,000.00, Expenses \$22,000.00."

Under the word "Board:" under the sub-heading "Board of Agriculture and Forestry" insert a new item "President and Executive Officer (\$250.00) \$6,000.00."

Amend the item "Secretary, clerks, stenographers, librarian, editor, janitor, stableman, yardman \$10,000.00" to read "Secretary, clerks, stenographers, librarian, editor, janitor, stableman, yardman \$8,000.00."

Under the sub-heading "Division of Entomology" insert a new item above the item "Traveling Expensees \$500.00 to read "Inspection of fruits, cane, plants, etc., for transportation between the Islands or between localities on the same Islands \$12,000.00."

Amend the item "Sanitary Inspectors, Honolulu (\$720.00) \$17,280.00" under the sub-heading "Sanitation: Board of Health" to read "Sanitary Inspectors, Honolulu (\$900.00) \$21,600.00."

Amend the item "Pay of Government Physicians" under the sub-heading "Medical and Quarantine Service and Supplies" at the top of Page 11, to read "Pay of Government Physicians. Provided, however, that no salary shall be allowed or paid unless the physicians employed or appointed in the several districts to which they are appointed shall treat the indigent sick in such district or districts as the case may be to which they are appointed free of charge \$46,920.00."

Amend the figures in the item "Prevention and Cure of Tuberculosis, including aid to Leahi Home" under the same sub-heading to read \$50,000.00."

Amend the figures in the items "Vaccination Supplies" to read "\$3,450.00."

Amend the figures in the item "Repairs, alterations, extension, equipment, quarantine station, Honolulu" to read "\$4,000.00."

Amend the figures in the item "Repairs, alterations, extension, equipment, quarantine station, Hilo" to read \$1,500.00."

Insert a new item under this sub-heading "Expenses and Equipment Morgue \$3,520.00."

Under the sub-heading "Care of Lepers and their children:" amend the item "General Settlement and Receiving Station, Medical Pay Roll \$26,760.00," to read, "Medical and Surgical Supplies, treatment and equipment \$53,760.00."

Amend the item "Segregation and Maintenance \$192,000.00" under the same sub-heading "Segregation, Hospital, Maintenance and Improvements \$202,000.00."

Also strike out the item "Improvement \$10,000.00" under the same sub-heading.

Under the sub-heading "Supreme Court" amend the item "Stenographer and Clerk (\$125.00) \$3,000.00" to read "Stenographer and Clerk (\$150.00) \$3,600.00."

Strike out all the sub-heading "Circuit Courts" and items under the same.

Amend the item "Contingent fund etc." on page 13 to read "Contingent Fund, from which expenditures may be made only with the approval of the Governor and only for urgent needs for which no specific provision or an insufficient specific provision is made herein, a detailed account of all which expenditures shall be submitted to the next Legislature. Provided, however, no increase of salaries shall be paid out of this fund \$50,000.00."

Respectfully submitted,

R. H. MAKEKAU,

Chairman.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 22 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Saturday, April 8, 1911.

Senator Fairchild presented a Report (No. 224) from the Committee on Ways and Means on Senate Bills Nos. 61, 72 and 96, Senate Resolution No. 18, and House Bills Nos. 103, 145, 155, 167, 172 and 174, relating to various claims and unpaid accounts, as follows:

#### SENATE CHAMBER.

Honolulu, April 7, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bills 61, 72 and 96, Senate Resolution No. 18, and House

Bills 103, 145, 155, 167, 172 and 174 relating to various claims and unpaid bills, has had the same under due and careful consideration and investigations, and begs leave to report as follows:

All of the bills referred to, including the Resolution, are for claims incurred and which were presented for payment after the close of the period for which regular appropriations were provided, some of which were for refund of amounts collected by the Department of Public Lands on account of land sales which were withdrawn and disposed of to others than those who made deposits in good faith on account of the purchase price of the lots selected. Each of the items contained in the said bills and resolution have been checked, and those that were incurred illegally were stricken out by the Committee, and those items which were charged contrary to established rates were corrected,—interests charged being refused.

Realizing the great expense incidental in printing bills practically covering the same subject matter, your Committee has merged all of the approved items into one bill, by using House Bill 145 as the basis into which amendments necessary are to be inserted.

The order of these insertions are as follows:

Department of the Attorney General.

Treasury Department.

Department of Public Instruction.

Department of Public Works.

Maintenance, Repairs, Additions, Landings and Wharves,  
Maul.

Honolulu Wharf and Harbor Improvements.

Department of Public Lands. (as in the bill)

Board of Health.

The Courts.

The Secretary.

Each heading above referred to is hereby treated separately so as to make clear the method employed by the Committee in arriving at this report.

#### DEPARTMENT OF THE ATTORNEY GENERAL.

The items under this headings are transferred from House Bill No. 174. The total of "\$202.50" in line "8" thereof is changed to "\$162.00" in order to comply with the rate of charges fixed by the Supreme Court, Vol. 8, p. 459, Haw. Rep. The other items under this head are vouched for as being correct by the Attorney General. Claim of R. A. Churton is struck out for want of proper voucher.

## TREASURY DEPARTMENT.

The items under this heading were submitted to the Committee, and upon investigation, the vouchers therefor found proper excepting one for "\$50.00" put in by M. M. Springer for transcripts furnished, which was reduced to "\$42.11" to comply with the ruling of the Supreme Court, Vol. 8, p. 459, Haw. Rep.

## DEPARTMENT OF PUBLIC INSTRUCTION.

The items under this heading were submitted to the Committee, and upon investigation, the vouchers therefor were found proper and lawfully incurred. And the item "A. B. Lindsay, Sept. 30, 1908, \$45.40" is from House Bill No. 167, duly authenticated.

## DEPARTMENT OF PUBLIC WORKS.

The items under this head are from Senate Bill No. 96—vouchers for which have been submitted properly authenticated. A new item is added reading as follows: "Feb. 28—June 30, 1903—Hilo Electric Light Co., Ltd., \$35.50" from House Bill 103 as corrected. The original item was for \$407.77." This claim has been before the Legislature, now, for the third time. In 1905, the Legislature inserted in the appropriation bill under the heading "To Hilo Electric Light Co., \$101.50." Governor Carter, in his veto message called the attention of the legislature to the fact that the items making up this total of \$101.50 were "wholly incurred during the period when no appropriation existed, and were thus without Legislative authority." Senate Journal, Extra Session 1905, p. 2216.

In the Session of 1909 the claim appeared again as House Bill No. 174 claiming "\$416.17" which passed the House without amendment, and evidently without proper examination of the items, and merely on the say-so of the official of the Department of Public Works who recommended them to be allowed. When the Bill came to the Senate of 1909, it was referred to the Select Committee of Hawaii—Senators Palmer P. Wood, Chairman, John T. Brown, D. K. Baker and R. H. Makekau, who, upon due and careful investigation reported as follows:

SENATE CHAMBER.

Honolulu, T. H., April 26, 1909.

Hon. W. O. Smith,  
President of the Senate,  
Honolulu.

Sir:—

Your Select Committee, consisting of the Members from the Island of Hawaii, to whom was referred House Bill 197, entitled "An Act to appropriate Money for the Relief of the Hilo Electric Light Company, Limited," begs leave to report that it has had the same under careful consideration.

From investigations made by your Committee it finds that the amount of the claim was contracted for without the least color of authority and in violation of Section 4 of Act 10, Session Laws of 1903, and therefore recommends that the Bill be laid upon the table.

A Communication from the Auditor, showing the complete standing of the claim sought to be recovered by this Bill, is attached hereto and made a part of this Report.

Respectfully submitted,

PALMER P. WOOD,  
Chairman.

DAVID K. BAKER,  
R. H. MAKEKAU,  
JOHN T. BROWN.

TERRITORY OF HAWAII.  
AUDITING DEPARTMENT.

Honolulu, April 22, 1909.

Honorable Palmer P. Woods,  
Member, Select Committee of Hawaii Members.

Dear Sir:—

Replying to your inquiry as to bills of the Hilo Electric Light Company, I beg to make the following statement:

The first claim No. 2284 is intended to be a charge against the appropriation for "Hilo Fire Department" for \$69.40; by referring to the items as stated on the back of the bill of the Hilo Electric Light Co., it will be noticed that the charges from December 31, 1902, to June 30, 1903, amount to \$43.90 and belong to the appropriation for the biennial period of 1901-1903,

and by reference to the receipts on file in this office I find that the items for December 31, 1902, and January 31, 1903, for \$4.20 each have been paid by warrants Nos. 1071 and 1073 respectively, thus reducing this amount to \$35.50.

The Legislature of 1903 passed an appropriation bill for six months, from July 1, 1903, to December 31, 1903, and an eighteen months bill from January 1, 1904, to June 30, 1905. In neither of these bills was there an appropriation out of which these items could be paid.

The County Act having been declared invalid by the Supreme Court January 13, 1904, Governor Carter reappropriated the items of the six months bill to cover the needs of the Territory to June 30, 1904.

From July 1, 1903, to December 31, 1903, the Light Company make no charge but from January 1, 1904, to June 30, 1904, they made a charge of \$25.50 for light furnished during that time.

In view of the above facts I hold that the items amounting to \$25.50 were contracted without the least color of authority and in violation of Section 4, of Act 10, S. L. 1903.

Why the first mentioned items for \$35.50 were not presented and paid at the proper time I do not know, but was probably the fault of the company as a balance of \$2,118.90 lapsed at the end of the period, June 30, 1903.

The bill of the company for \$99.60 is a proper charge against the appropriation for "Electric Lighting, Hilo Streets," but could not be paid when presented as a part of their bill for \$232.80 (voucher 11234) and was deducted therefrom for the reason that there was a balance of only \$191.90 in the appropriation at the time.

The bill of the same Company dated March 31, 1903, for \$247.70 against "Electric Lighting, Hilo Streets" for extending pole line and changing location of eight lights (as stated on the back of the bill) evidently was never presented for payment. Of the small balance remaining in the appropriation at the time, I hold that as the balance of the appropriation at the date of the bill was barely sufficient to pay the regular monthly lighting bills to the end of the period, the bill should never have been contracted, even if eight lights had to be dispensed with, and is a violation of Section 4 of Act 4, S. L. 1901.

In this connection I beg to inform you that in pursuance of resolution No. 45 of the Senate, adopted May 1, 1907, I advertised during the month of November last and the above bills were not presented in response thereto. I have the honor to remain,

Very truly yours,

J. H. FISHER,  
Auditor, Territory of Hawaii.

See Senate Journal, 1909, pp. 1117-1119.

House Bill 174 was Substituted by House Bill 197, Session 1909.

Whereupon, after due motion being put, the report of the Select Committee was unanimously adopted.

It is a very significant fact that the Hilo Electric Light Co., Ltd., in 1909 claimed \$416.17 as per House Bill 174. The Auditor in his communication to the Committee as above quoted shows that "\$8.40" were paid thus reducing the claim to \$407.77. The Auditor also called attention to the fact that the items making up this total of \$407.77 less \$35.50 were incurred without authority of law and contrary to the specific provisions of Section 4 Act 4, Laws of the Extra Session of 1901 which reads:

"Section 4. It shall be lawful for the Treasurer to make payments in accordance with the appropriations authorized by this Act, until the Thirtieth day of June 1903; Provided that the Auditor shall not draw a warrant for any sum on account of any bill for salaries and pay rolls in this Act in excess of the due proportion of the amount appropriated for such item for the time elapsed."

and also—

"Section 4. Act 10, Laws of the Extra Session of 1903 which reads:

"Section 4. The Auditor shall not draw a warrant in payment for any of the objects named in this Act, except as herein provided, and the unauthorized expenditure of any money from the Treasury to be hereafter accounted for the Legislature by an Indemnity Bill, is hereby expressly prohibited."

In this connection also, the Committee obtained from the Hilo Electric Light Co., Ltd., an itemized Bill for particulars—dated March 28, 1911, for items incurred from Dec. 31, 1902 to April 30, 1905—both days inclusive—a total of claims amounting to \$347.30. Among the items making up this total of \$347.30, is a claim for \$247.70, under date of April 30, 1905. In 1909, that same claim was put in as of March 31, 1903. The Committee is informed that the bill of particulars submitted is a correct abstract of the accounts shown by the books of the Hilo Electric Light Co., Ltd. If so, then there is evidence of very careless accounting on the part of the said company, and the Department of Public Works should be severely censured for permitting subordinates and representatives of the department to incur expenses for which no provisions were made by the legislature. The allowance of unauthorized expenditures, and especially such as are expressly prohibited by Act of the legislature, will only place the legislature in the position of a "machine" for some careless official to handle at will.

All the items under the heading "MAINTENANCE, RE-



PAIRS, ADDITIONS, LANDINGS AND WHARVES, MAUI," are from House Bill No. 172—and all of which are certified to by properly authenticated vouchers.

The items under the heading DEPARTMENT OF PUBLIC LANDS are the original items of the Bill with 9 new items of similar character. That is to say: All are for refund of monies deposited on account of the purchase price of each lot through error, and were not refunded under the provisions of Section 276, Revised Laws of Hawaii as amended by Act 57 of the Session Laws of 1909. All of the claims were certified to by the Commissioner of Public Lands.

Under the heading BOARD OF HEALTH, one claim properly authenticated by certified voucher is also inserted.

The items under the title "THE COURTS, THIRD CIRCUIT," are from Senate Bill No. 61, with the following insertions:

"Constantine V. Moreira, June 30, 1909,.....\$2.00

"M. M. Springer, Feb. 28, 1906,..... 6.12

"M. M. Springer, March 31, 1906,..... 9.00"

The words "Estate of" in line 16 of said S. B. 61 are stricken out, because the service rendered was by Joseph H. Martin and not by his estate. And, if he is dead, Section 2 of the Bill as amended provides for the collection of the claim by the legal representatives or assigns of said Joseph H. Martin, or other claimants.

Insert a new Section to read:

"Section 3. The appropriations under this Act shall lapse after the 30th day of June, A. D. 1911. Renumber "Section 3" as "Section 4."

With these Amendments, the Committee recommends the passage of House Bill No. 145 as amended, a copy of which is hereto appended and made a part thereof.

House Bill No. 155 seeks to provide relief for one Geo. Kauwe for certain land taken by the government in 1878 for road purposes. About 4.57 acres. The land in question is situated in Kau, Hawaii, and is covered by Royal Patent No. 2644, for which the very small fee or price paid was only \$24 for the whole of 94 acres in the patent, of which the 4½ acres is a part. Every session of the legislature of Hawaii from 1880 to date has had to appropriate monies for road damages. At the time the road in question was constructed, the land was under lease to the then existing plantation in Kau, and using that particular land covered by R. P. 2644. And the road was cut through the land with the full knowledge and consent of the lessee, and without any objection from Geo. Kauwe or those from whom he inherited the land. The Committee therefore, recommends the tabling of this Bill.

A new item is inserted to follow the claims under "THE COURTS," to read as follows:

## THE SECRETARY.

## The Senate of 1909:

Claim of The Garden Island Publishing Co., Ltd., Feb. 18, 1909, for 7 subscriptions ordered per Senate Resolution No. 3—the original warrant for payment of same, No. 128, dated May 5, 1909, having been lost and payment stopped, .....\$5.25."

The Committee also recommends that Senate Bills Nos. 61, 72 and 96 (72 and 96 practically covering the same items), also Senate Resolution No. 18, and House Bills Nos. 103, 155, 167, 172 and 174 be tabled.

In concluding, your Committee desires to call the special attention of the Senate to the absence of a statutory provision to prevent the regular recurrence of requests to the legislature for appropriations to pay unpaid departmental bills which were usually presented long after the close of the biennial period. Some definite time should be fixed within which lawfully contracted claims should be presented or filed with the Auditor properly attested.

The Committee strongly disapproves of the present manner in which departmental heads submit their "unpaid claims." The respective legislative Committees are unaware of any such claims, with few exceptions, until various bills for the same items are referred to them. Very often these claims are unaccompanied by any proper voucher. The Auditor too, is often without knowledge of the presentations of many of the claims—some of which, in many instances would have already been stricken out by him,—having been paid or illegally contracted. All unpaid claims should be submitted to the legislature through the Auditor on the opening day of the legislature, extraordinary cases, excepted.

Very respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

WM. T. ROBINSON,

JOHN T. BROWN,

CECIL BROWN.

The Report of the Committee was referred to the Printing Committee.

Senator J. T. Brown presented a Report (No. 225) from the Printing Committee, stating that Senate Bill No. 121 had been printed, and that Senate Bill No. 47 had been reprinted, and was ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 121, entitled "An Act to Repeal Chapters 46 and 47 of the Revised Laws, Relating to Waterworks at Wailuku, Kahului and North Kohala."

Referred to the Judiciary Committee.

Senator Chillingworth gave notice of his intention to introduce a Bill entitled "An Act Relating to Abatement of Nuisances, Amending Sections 994, 995, 997 and 1000 of the Revised Laws, Adding a New Section Thereto to be Known as Section 995A, and Repealing Sections 996, 1001 and 1002."

Under suspension of the Rules, Senator Chillingworth introduced Senate Bill No. 122, entitled "An Act Relating to Abatement of Nuisances, Amending Sections 994, 995, 997 and 1000 of the Revised Laws, Adding a New Section Thereto to be Known as Section 995A, and Repealing Sections 996, 1001 and 1002."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 113, entitled "An Act to Amend Section 26 of Act 119 of the Session Laws of 1907, Entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.'"

Upon motion by Senator Makekau, seconded by Senator Baker, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: Senator C. Brown.

Absent and not voting: Senator J. T. Brown.

Third Reading of Senate Bill No. 44, entitled "An Act for the Relief of Persons Released from the Leper Settlement at Molokai."

Upon motion by Senator Baker, seconded by Senator Hewitt, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of Senate Bill No. 89, entitled "An Act to

Provide for the Issuance of Licenses for the Manufacture, Compounding and Preparation of Certain Food Products."

Senator Judd moved to amend by striking out the word "hold" in line 6 of Section 2, and inserting in lieu thereof the word "holding". Seconded by Senator Baker, and carried.

Upon motion by Senator Judd, seconded by Senator Baker, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 220, entitled "An Act Making an Additional Appropriation for the Use of the Boys' Industrial School for the Biennial Period Ending the Thirtieth Day of June, 1911."

Upon motion by Senator Hewitt, seconded by Senator Kalama, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 91, entitled "An Act to Encourage Certain Industries."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 150, entitled "An Act Relating to Adulterated Foods and Drugs, Amending Sections 1041 and 1043 of the Revised Laws of Hawaii, and Adding a New Section to be Known as Section 1042A."

Upon motion by Senator Quinn, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 135, entitled "An Act to Provide for a Close Season for the Protection of Mullet."

Upon motion by Senator Fairchild, seconded by Senator Kaleiupu, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

At 11:49 o'clock A. M., the Senate took a recess until 2:00 o'clock P. M.

### AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

Senator Judd presented a Report (No. 226) from the Judiciary Committee, recommending the passage of Senate Bill No. 116, as follows:

#### REPORT ON SENATE BILL NO. 116.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 116, to reimburse Wm. P. Thomas and Chung Ah Get, holding Lots Nos. 18 and 19 respectively, of the Pupukea-Paumalu Tract, for the reduction in the Area of their lots caused by the settlement of boundaries, begs leave to report as follows:

Upon investigation your Committee finds that the men above named hold Lots Nos. 18 and 19 of the Pupukea-Paumalu Tract under right of purchase leases from the Territory; that these lots are located on the boundary of the Government land; that there arose a dispute between the Territory and the Oahu Railway and Land Company as to the exact location of this boundary; that upon investigation the Territory found that its survey of the boundaries of its land at Pupukea-Paumalu was not correct; that 29.35 acres of the Thomas Lot and 97.44

acres of the Ah Get lot, did not in fact belong to the Territory. The Committee also finds that the Territory has been collecting rentals from these two men in question, and that the sum of \$406.78 represents the money which these two men have actually paid into the Territorial Treasury for the land which it was supposed they had secured from the Territory, but which in fact did not belong to the Territory. It might be added that the above referred to settlement of boundaries took from these men the larger portion of their lots.

This money having been paid under a mistake of fact, both by the Government; and by the men, your Committee considers it only just and fair that they should be reimbursed therefor, and accordingly recommend that this bill be passed.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 7, 1911.

Upon motion by Senator Fairchild, seconded by Senator Hewitt, the Report of the Committee was adopted; Senate Bill No. 116 passed Second Reading, and was placed on the Calendar for Third Reading on Saturday, April 8, 1911.

Senator Judd presented a Report (No. 227) from the Judiciary Committee, recommending the passage of Senate Bill No. 85 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 85.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 85, to give certain rights and powers of eminent domain to corporations organized for the purpose of developing, storing, conveying, distributing and transmitting water for irrigation, and for the reclamation of arid and semi-arid lands in the Territory of Hawaii, begs leave to report as follows:

Your Committee recommends the following amendments to this bill:

First: Strike out from the title of this bill the following words:

"AND FOR THE RECLAMATION OF ARID AND SEMI-  
"ARID LANDS IN THE TERRITORY OF HAWAII."

Second: Strike out from Section 1 of this bill the following words:

"and for the reclamation of arid and semi-arid lands in the  
"Territory,"

Third: Amend Section 2 of this bill by adding at the end of said section the following; first inserting a semi-colon instead of a period after the word "Irrigation:"

"Provided, however, that no such corporation shall exercise such right of condemnation in more than one county."

Fourth: Strike out the word "each" in line 3 of Section 4 of this bill, and insert in lieu thereof the word "either."

Your Committee has carefully considered all objections which have been made to this bill, and believes that the bill as amended meets all these objections.

As has been stated on the floor of the Senate, the bill is extremely limited in its provisions. It gives the right to bona fide irrigation companies only, and only to such companies as own tangible property to the amount of \$50,000 in value, to condemn rights of way to enable them to take the water which they own and supply it to the purchasers and users of the water. The interests of the private owners of land are amply safeguarded by the provisions of Chapter 64 of the Revised Laws. It is further provided in the bill that the easement obtained by the irrigation companies shall lapse in either of two events, 1, of the company not using the ditches for the period of one year, or, 2, of using them for purposes other than for irrigation and domestic purposes. Your Committee believes that the bill is a step forward, and is necessary in the agricultural development of the country, and urges the passage of the bill.

Your Committee recommends that this bill be passed as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 7, 1911.

Committee.

Upon motion by Senator C. Brown, seconded by Senator Ma-

kekau, the Report of the Committee was adopted; Senate Bill No. 85 passed Third Reading as amended on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 12.

Noes: Senator Robinson.

Absent and not voting: Senator J. T. Brown.

Senator Judd presented a Report (No. 228) from the Judiciary Committee, recommending the passage of Senate Bill No. 118 with certain amendments, as follows:

#### REPORT ON SENATE BILL NO. 118.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 118, To Amend Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, Amending Section 1418H Thereof, Relating to Peddlers, begs leave to report as follows:

The matter of issuing licenses to peddlers is now a County matter, and the object of this bill is to enlarge the powers of the County Treasurer in the matter of the issuance of such licenses, granting power to issue licenses for a period of not less than three months, and to charge for the licenses at the rate of \$12.50 for every three months or fraction thereof. It frequently happens that a peddler desires to carry on his business in one county for a few months and then move to another county for a few months, go over that territory, and then to another county. Under the present law in each instance it is necessary for him to take out a license in each county for the full year, paying the full sum of \$50 therefor. Under the laws of the Territory before the amendment of 1907, this hardship was not imposed, since one license covered the whole Territory. The idea of the present bill is to charge only for what is actually received in benefits, and not to impose such a fee in each county as will practically prohibit a peddler from conducting his business in more than one county during the year.

To fully carry out these objects your Committee finds it necessary to amend the bill, and therefore recommends the following amendments:

Add the following words after the word "Dollars" in line 3 of Section 1 of this bill:



"To be paid quarterly in advance at the rate of Twelve Dollars and Fifty cents for every three months or fraction thereof;"

Second: That the first line of section 1, after the words "Section 1" be stricken out, and that the following words be inserted in lieu thereof:

"Section 1418H of the Revised Laws of Hawaii is hereby amended to read as follows:"

This latter amendment is only a verbal one, and in no way changes the objects of the bill.

Your Committee believes this to be a just and fair measure, and therefore recommends the passage of the bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 7, 1911.

Upon motion by Senator Chillingworth, seconded by Senator J. T. Brown, the Report of the Committee was adopted; Senate Bill No. 118 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Saturday, April 8, 1911.

Senator Judd presented a Report (No. 229) from the Judiciary Committee, recommending the tabling of House Bill No. 17, and the passage of substitute Bill (Senate Bill No. 123) as follows:

REPORT ON HOUSE BILL NO. 17.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 17, Relating to Terms of the Second and Fourth Circuit Courts, Amending Section 1644 of the Revised Laws as Amended by Act 34 of the Laws of 1905, and Act 50 of the Laws of 1907, begs leave to report as follows:

This bill seeks to carry out the recommendations of the Governor in his message to the Legislature, pages 40 and 41 of the printed copy of his message, relating to the terms of

the Circuit Courts, abolishing the terms at Lahaina, Maui, and Honokaa, Hawaii. Upon investigation your Committee finds that the present bill does not go far enough, it leaving certain parts of the present law unchanged, and inconsistent with the provisions of this bill. Your Committee after careful consideration does not consider it advisable to abolish the term of the Circuit Court at Lahaina, Maui.

These changes are so material that your Committee has prepared a substitute bill, abolishing the term of the Circuit Court at Honokaa, Hawaii, and further amending the present law to make it consistent throughout to correspond with the abolishment of the term at Honokaa.

Your Committee therefore recommends that House Bill No. 17 be tabled, and that there be passed in place thereof the bill submitted with this report.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 7, 1911.

Upon motion by Senator Makekau, seconded by Senator Robinson, the Report of the Committee was adopted, and House Bill No. 17 was tabled.

First Reading of Senate Bill No. 123, entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws of Hawaii, as Amended by Acts 34, 37 and 56 of the Session Laws of 1905, and as Further Amended by Act 50 of the Session Laws of 1907."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd presented a Report (No. 230) from the Judiciary Committee, recommending that House Bill No. 170 be referred to the Committee on Ways and Means, as follows:

REPORT ON HOUSE BILL NO. 170.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House

Bill No. 170, Appropriating Twenty-five Thousand Dollars for the purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax Under Sections 764 to 768 of the Penal Laws of 1897, begs leave to report as follows:

This bill was first introduced in the House as House Bill No. 94, and contained a list of names of those persons and firms in the Territory, with the amounts paid by them as license tax subsequent to June 14, 1900. This list is not a complete one, it only containing the names of those persons and firms still doing business in the Territory, and who, if this bill passes are likely to make claim for the refund of the taxes claimed to have been wrongfully collected. The total of this list is \$19,155.31. This bill was tabled in the House, and House Bill No. 170 introduced as a substitute therefor, making an appropriation of \$25,000.00 in one lump sum, the figure being so set so as to cover other claims that might come in in addition to those specified in the list contained in House Bill No. 94.

The unconstitutionality of this tax was decided in the case of *Lansing vs. Davies*, 13 H. 286, in January, 1901. The first claim for a refund of this tax was the case of the Hawaiian Fertilizer Company, Ltd., Petition No. 54, House of Representatives, session of 1903, dealt with in Standing Committee Report No. 212. The Petition was laid on the table to be considered with the appropriation bill. In the appropriation Bill, Extra Session 1903, Act 10, there appears an item Hawaiian Fertilizer Company \$1776.36. The facts in this case as shown by the Committee report are that the Hawaiian Fertilizer Company protested against the payment of the Tax, drawing a check for the amount thereof, and giving the same to the Treasurer of the Territory to be held in escrow by him pending an opinion of Judge Whiting as to the constitutionality of the tax. Before Judge Whiting gave any opinion the check was cashed, and the money turned into the Territorial Treasury. In view of these facts, and in view of the decision in the case of *Lansing vs. Davies* the Legislature of 1903, decided to reimburse the Hawaiian Fertilizer Company for the money so paid.

In the Legislature of 1905, one J. Goldstein made a similar claim for the refund to him of \$50 paid as license tax under the penal laws of 1897, House Bill No. 117. This was favorably reported on in a short report in the House and passed Third Reading there, House Journal page 712. The bill was adversely reported on in the Senate for the reason that "license paid in October, law declared unconstitutional in following January," and the bill was tabled in the Senate, Senate Journal page 730, 1905.

The matter of the refunding of all license taxes unlawfully

collected in 1900 came up in the 1907 Session of the Legislature, House Bill No. 182. This bill was tabled, and Substitute Bill No. 217 introduced in place thereof, passed Third Reading in the House, House Journal page 1384, the Committee making a short but favorable report. In the Senate the Ways and Means Committee verbally reported on the bill recommending that it be tabled, and the report was adopted, Senate Journal page 1240.

The matter was again brought before the Legislature of 1909, House Bill No. 186, providing for the repayment of the license taxes unlawfully collected in 1900. The bill was reported on by the Finance Committee, two reports, a majority report and a minority report, the majority report being very short, and favoring the passage of the bill. The minority report was at some length and recommended that the bill be tabled, stating that there was nothing in the bill to show that the claims were legitimate, nothing to show that license fees were paid under protest, that the proper remedy for the claimants was to have brought suit against the Territory; that previous legislatures had rejected the claims; and suggesting that the claims are barred by the statute of limitations, and that had it not been for the agitations, and that had it not been for the agitation of persons for private gain these claims would never have been made. The majority report was adopted, and a substitute bill introduced, Bill No. 215. This bill failed to pass the House on third reading, House Journal, 905.

A copy of House Bill No. 94 is attached to this report, it has been compared with the records in the office of the Territorial Treasurer and found to be correct. As originally printed there were several errors in the amounts therein, but these have been corrected in the copy appended to this report.

Your Committee desires to direct attention to the repayment to the Hawaiian Fertilizer Company of the license tax paid by it. The facts in that case were totally different from those of the claimants in House Bill No. 94, the company protested against the payment of the tax, and by a mistake their check which was to have been held awaiting a decision as to the constitutionality of the tax was cashed and the money covered into the Territorial Treasury, and the only way the Territory could carry out its agreement with the Fertilizer Company to return its check was to appropriate the amount thereof for repayment to them.

It is the opinion of this Committee that there is no legal obligation resting upon the Territory to repay this money. It might be different in the case of a man paying money under a mistake of fact or of law, and getting no benefit from the payment, but these persons and companies while they paid the

money under a mistake of law, did get a benefit from it, in that all those who did not pay the tax were kept out of the business of selling imported goods. The case seems to your Committee like the case of a person having paid sewer rates, without having contracted to do so, thus securing the benefit of the service, even though the law under which the rates were charged was declared unconstitutional. In such a case there is no obligation resting upon the Territory to repay these moneys collected as sewer rates.

This bill was referred to this Committee to report on the facts. This your Committee has done, and believing that this matter should be considered from the standpoint of policy and therefore should be referred to the Ways and Means Committee to find out where the money is to come from to pay the claims.

Your Committee therefore recommends that this bill be referred to the Ways and Means Committee.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 7, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Pali, the Report of the Committee on House Bill No. 170, together with the Bill were deferred for consideration until Monday, April 10, 1911.

Senator Judd presented a Report (No. 231) from the Judiciary Committee, recommending the tabling of House Bill No. 190, and the passage of a substitute Bill (Senate Bill No. 124), as follows:

REPORT ON HOUSE BILL NO. 190.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 190, To Amend Section 118 of the Revised Laws of Hawaii, Providing for Withholding a Portion of the Salary or Wages of Officers or Employees Indebted to the Territory of

Hawaii, or Any Municipal Corporation Thereof, begs leave to report as follows:

Under the terms of the present statute provision is made for the withholding of the salary or compensation of officers, agents and employees in the Public Service, until all indebtedness of such persons to the Territory or to any Department thereof shall be fully paid and discharged. This is construed by your Committee to mean that any public officer who, in his official capacity, is indebted to the Territory shall have his salary or compensation withheld until such indebtedness is discharged. The authority to withhold the salary or compensation of a public officer for the payment of debts which are due from him to the Territory in his private capacity is not given by this statute.

On the other hand the terms of House Bill No. 190, are so broad that it includes therein any and all indebtedness to the Territory from any officer or employee whether incurred in his official capacity or otherwise. Further this bill goes a great deal farther than the present statute and provides not only for the withholding of a portion of the salary or compensation, but provides for the appropriation of a certain portion of the salary or compensation to the payment of the indebtedness. At the most the present statute only provides for the withholding, and not for the actual appropriation of the salary or compensation to the payment of the indebtedness to the Territory.

Your Committee is of the opinion that in the case of public officers becoming indebted to the Territory in their official capacity, such as for embezzlement of public funds, etc., the Government should have the power to withhold all moneys which may be due such officer, and not only a portion thereof, as is provided for in the present bill. Furthermore, as to debts due to the Government by Public Officers in their private capacity the Government now has the same rights and remedies as any other creditor to sue, obtain judgment and garnishee debts due, salary or compensation earned or to become earned. In the one view this bill is, in its present form, undesirable, and in the other view unnecessary. However, upon investigation your Committee finds that in some instances it is highly desirable that the government should have the right to withhold a portion of an officer's salary for debts due the government, such as for taxes, water rates and sewer rates, when they have become delinquent, and to this end Your Committee have prepared and submit with this report a bill to carry out this idea.

Your Committee therefore recommends that House Bill No.

190 be tabled, and that the substitute bill submitted with this report be passed in place thereof.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 7, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Report of the Committee was adopted, and House Bill No. 190 was tabled.

First Reading of Senate Bill No. 124, entitled "An Act to Amend Chapter 13 of the Revised Laws of Hawaii, by Adding a New Section Thereto to be Known as Section 118A, Providing for the Collection of Certain Debts Due the Territory, or Any Political or Municipal Subdivision Thereof, by Public Officers and Employees."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd presented a Report (No. 232) from the Judiciary Committee, recommending the passage of House Bill No. 227, as follows:

REPORT ON HOUSE BILL NO. 227.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 227, To Amend Sections 6 and 8 of Act 48 of the Session Laws of 1911, entitled "An Act to Define, Regulate and License Emigrant Agents," begs leave to report as follows:

The first amendment made is to Section 6 of Act 48 of this Session, by the insertion of the words "for the purpose of leaving the Territory" in lines 5 and 6 (lines 6 and 7 of Section 1 of this bill).

This amendment is for the purpose of making more clear and certain the original intent of the law.

The second amendment to this Act is to Section 9 thereof.

This section as it now stands in Act 49 of the Laws of 1911 makes it obligatory upon the County Treasurer to bring a suit to enforce the bond provided for in the Act. The amendment makes this obligatory only on the Treasurer in case he has been given assurances for the payment of costs.

After careful consideration your Committee is of the opinion that both of these amendments are desirable, and therefore recommend the passage of the bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 7, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 227 passed Second Reading, and was placed on the Calendar for Third Reading on Saturday, April 8, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Pali, Senate Concurrent Resolution No. 6 was taken up for consideration.

Senator Chillingworth moved to amend by inserting in line 33 of Section 5, the following: "Provided, however, that nothing herein shall authorize the withdrawal of any lands now open or applied for for settlement purposes;" seconded by Senator Judd, and carried.

Senator Chillingworth moved to amend further by inserting the words "as far as practicable" in line 5 of Section 6 after the word "be". Seconded by Senator Pali, and carried.

Upon motion by Senator Chillingworth, seconded by Senator Baker, Senate Concurrent Resolution No. 6 was adopted as amended.

Senator Fairchild presented a Report (No. 233) from the Committee on Ways and Means, recommending the tabling of Senate Bills Nos. 91, 97 and 100, and the passage of a substitute Bill (Senate Bill No. 125), as follows:



Honolulu, Hawaii, April 6, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred Senate Bill Nos. 91, 97 and 100 relating to banking and trust companies, have had same under careful consideration, during which time several public meetings have been held, at which time the only persons appearing were those conducting or interested in a banking or trust business.

Throughout the discussion of these bills by those interested there were practically no legal objections advanced against their becoming law. This, in the opinion of your Committee, is to be regretted, as it resulted in leaving the impression in the minds of some members, that the main opposition was due to motives other than legal objections.

The introducer claimed the opposition to his measures was principally on the ground, that his opponents in the course of the business conducted by them did not care to exercise the additional powers sought, claiming as a reason for such opposition, that their affiliations and connections with the several trust companies doing business in the Territory rendered it unnecessary for them to use such powers, and that another corporation organized under the same law but not engaging in commercial business should be denied the right to do a business it thought proper and legitimate to its wants, and to which no legal objections were advanced during the several hearings.

The Committee realizes that in the conduct of all business contending parties will naturally seek to safeguard their own interests, but it is a pleasure for the Committee as a Whole to state that throughout the discussion it was very evident that the banking business in this Territory is on a firm foundation, and the public's financial interests are ably administered and safeguarded under the present law.

The opponents of the bill contend that there was no good reason shown to change the present laws in the manner sought by the bill, that the bill provided a method which is not financially sound and, furthermore, is confusing and without proper safeguard, and that the laws should not be changed except after due deliberation.

We cannot help but feel that the main difficulty in the whole matter has been the spirit of competition, and that all the banks, with the exception of the bank of which the introducer of these Acts is President, has financial connections with trust

companies, which render it unnecessary for them to seek any change in the law.

The introducer of the bill claims that for him to establish a trust company in order to conduct the business sought under the bill, would put him to a large expense, and that this is the main reason for the introduction of the Acts under consideration.

A substitute Bill covering the special additional powers most desired by those interested, has been drawn, and is herewith submitted in the place of Senate Bill No. 91, and which substitute Bill we recommend pass.

Bill No. 97, authorizing the appointment of a Bank Examiner, was objected to at the public meetings principally upon the ground that it put the opposing Bankers and Trust Companies to too much extra expense, and that the law on the Statute Book was sufficient. Be this as it may, the Committee does not see any particular reason or urgent necessity for the enacting of the law at this session of the Legislature, and therefore recommends that Bill No. 97 be laid on the table.

The Committee also recommend that Bill 100 be laid on table, as its passage and the necessity therefor depended on the passage of Bill 97.

.            Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

JOHN T. BROWN,  
CECIL BROWN,

I do not Concur

WM. T. ROBINSON.

Upon motion by Senator C. Brown, seconded by Senator Hewitt, the Report of the Committee was adopted and Senate Bills Nos. 91, 97 and 100 were tabled.

First Reading of Senate Bill No. 125, entitled "An Act to Confer and Give Certain Additional Powers to Corporations Now, or Hereafter Organized Under the Provisions of Chapter 158 of the Revised Laws of Hawaii."

The Bill passed First Reading by Title and was referred to the Printing Committee.

A Communication (No. 28) from Mr. W. R. Farrington, enclosing resolutions relating to the School Bill, was read by the Clerk as follows:

Honolulu, April 7, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Dear Sir:—

Herewith I beg to submit copy of resolutions of the Free Kindergarten and Children's Aid Association of Honolulu, Hawaii, also the Christian Church, in support of the School Bill.

Yours very truly,

WALLACE R. FARRINGTON.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Free Kindergarten and Children's Aid Association, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

Passed April 7, 1911.  
Honolulu, Hawaii.

MARY ATHERTON RICHARDS,  
President.

ELIZABETH LOCKE PECK,  
Vice-President.

FRANCES LAWRENCE,  
CATHARINE M. W. FARRINGTON,  
Secretary.

## INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, The College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Christian Church, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

Passed April 5, 1911.

Honolulu, Hawaii.

W. L. HOPPER,  
Chairman.

## INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

The Communication and Resolutions were received and placed on file.

Senator Fairchild presented a Report (No. 234) from the Committee on Ways and Means, recommending the passage of House Bill No. 5, as follows:

## SENATE CHAMBER.

Honolulu, T. H., April 7, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 5, entitled: "An Act to Provide for Entertainment and Expenses of Such Senators and Members of the House of Representatives of the United States and Other Distinguished Persons as May Visit the Territory of Hawaii Prior to June 30, 1913," has had the same under careful consideration and begs leave to report as follows:

The Bill seeks to provide funds necessary for the entertainment of Congressmen and other distinguished persons who may visit Hawaii, and is practically the same as Act 5 of the Laws of 1909. The resulting benefit to Hawaii from such expenditure, no one questions. The Committee therefore recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

E. W. QUINN,  
CECIL BROWN,  
WM. T. ROBINSON.

Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Report of the Committee was adopted; House Bill No. 5 passed Second Reading and was placed on the Calendar for Saturday, April 8, 1911, for Third Reading.

A Communication (No. 186) from the House of Representatives, transmitting House Bill No. 218, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 218,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 218, entitled "An Act Authorizing the Cancellation of Lease of the Island of Kahoolawe, and Remitting Back Rents."

The Bill passed First Reading by Title and was referred to the Committee on Public Lands and Internal Improvements.

A Communication (No. 187) from the House of Representatives, transmitting House Bill No. 219, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 219, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 219, entitled "An Act to Amend Act 118 of the Session Laws of 1907, Entitled 'An Act Incorporating the City and County of Honolulu.' "

The Bill passed First Reading by Title and was referred to a Select Committee composed of the Senators from Oahu.

At this juncture Senator Chillingworth moved, seconded by Senator Baker, that House Bill No. 142 be taken up for consideration; whereupon the Bill was tabled on motion by Senator Makekau, seconded by Senator Baker.

A Communication (No. 188) from the House of Representatives, transmitting House Bill No. 228, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 228, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 228, entitled "An Act to Amend Section 1 of Act 42 of the Session Laws of 1903, Relating to Public Loans."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 50) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 83 and 106, and House Bills Nos. 75, 137 and 144, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**  
Secretary of Hawaii.

Honolulu, T. H., April 7, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your

Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 83, as Act 71, entitled: "An Act to Regulate the Practice of Veterinary Medicine, Surgery and Dentistry in the Territory of Hawaii;"

Senate Bill No. 106, as Act 72, entitled: "An Act to Prevent Excessive County or City and County Expenditures, Liabilities and Obligations;"

House Bill No. 75, as Act 73, entitled: "An Act to Repeal Chapter 73 of the Revised Laws of Hawaii, Relating to Building and Moving Permits;"

House Bill No. 137, as Act 74, entitled: "An Act to Amend Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof;'"

House Bill No. 144, as Act 75, entitled: "An Act Relating to Insane Persons, Amending Sections 4, 8 and 10 of Act 149 of the Laws of 1909, and Adding Thereto Three New Sections to be Known as Sections 5A, 9A and 10A."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.  
At 3:10 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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FORTY-FIFTH DAY.

Saturday, April 8, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.



The Journal of the Forty-fourth Day was read and approved.

A Communication (No. 189) from the House of Representatives, transmitting House Bill No. 231, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 231, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 231, entitled "An Act to Amend Chapter Sixty-six of the Revised Laws of the Territory of Hawaii, Relative to Honolulu Rapid Transit, and to Extend the Franchise Thereof."

The Bill passed First Reading by Title and was referred to a Select Committee composed of the Senators from Oahu.

A Communication (No. 190) from the House of Representatives, transmitting House Bill No. 232, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 232, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 232, entitled "An Act to Amend Chapter Sixty-six of the Revised Laws of the Territory of Hawaii, Relative to Honolulu Rapid Transit."

The Bill passed First Reading by Title and was referred to a Select Committee composed of the Senators from Oahu.

A Communication (No. 191) from the House of Representatives, transmitting House Concurrent Resolution No. 22, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 7, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 22, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

#### CONCURRENT RESOLUTION.

WHEREAS, in the outer districts of the Territory, where the country is more sparsely settled and the services of only one Physician are available, and

WHEREAS, great inconvenience and long delays have been frequently had in obtaining permits to bury the dead when such physician is in attendance elsewhere or a long distance away, and

WHEREAS, on many occasions the District Physician has been perfectly familiar with the ailment and has already anticipated the early death of a patient, rendering it unnecessary for him to be personally present to examine such dead body:  
NOW THEREFORE,

BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring:

That the President of the Board of Health of the Territory of Hawaii be authorized to permit any Physician, empowered

to issue Burial Certificates or Permits, to deputize a Sheriff or Deputy Sheriff to issue a burial permit or certificate in certain cases.

The Communication was received and placed on file, and House Concurrent Resolution No. 22 was, upon motion by Senator Makekau, seconded by Senator Judd, referred to the Committee on Public Health.

A Communication (No. 29) from Amos J. Mawae, inviting the Members of the Senate to the Moanalua and Kalihi Sunday School exercises, was read by the Clerk as follows:

Honolulu, T. H., April 8, 1911.

Hon. E. A. Knudsen,  
President of the Senate  
of the Territory of Hawaii.

Dear Sir:—

The members of Moanalua and Kalihi Sunday School cordially invites you and the members of the Senate to their Sunday School Exercises to be held at "HAUHALEMANO" Kalihi Church on Sunday morning April 9, 1911, at 9 A. M., and followed by a luau.

Respectfully yours,

AMOS J. MAWAE,  
Committee in Charge.

The Communication was received and placed on file.

Senator J. T. Brown presented a Report (No. 235) from the Printing Committee, stating that Senate Bills Nos. 122, 123, 124 and 125 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 122, entitled "An Act Relating to Abatement of Nuisances, Amending Sections 994, 995, 997 and 1000 of the Revised Laws, Adding a New Section Thereto to be Known as Section 995A, and Repealing Sections 996, 1001 and 1002."

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 123, entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws of Hawaii, as Amended by Acts

34, 37 and 56 of the Session Laws of 1905, and as Further Amended by Act 50 of the Session Laws of 1907."

Under suspension of the rules, the Bill was read throughout.

Upon motion by Senator Pali, seconded by Senator Judd, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 10, 1911.

Second Reading of Senate Bill No. 124, entitled "An Act to Amend Chapter 13 of the Revised Laws of Hawaii, by Adding a New Section Thereto to be Known as Section 118A, Providing for the Collection of Certain Debts Due the Territory, or Any Political or Municipal Subdivision Thereof, by Public Officers and Employees."

Under suspension of the Rules, the Bill was read throughout.

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Second Reading and was placed on the Calendar for Monday, April 10, 1911, for Third Reading.

Second Reading of Senate Bill No. 125, entitled "An Act to Confer and Give Certain Additional Powers to Corporations Now, or Hereafter Organized Under the Provisions of Chapter 158 of the Revised Laws of Hawaii."

Under suspension of the Rules, the Bill was read throughout.

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Second Reading and was placed on the Calendar for Monday, April 10, 1911, for Third Reading.

Second Reading of Senate Bill No. 4, entitled "An Act to Amend Section 19 of Act 102 of the Session Laws of 1905, Relating to the Collection of Inheritance Tax."

Upon motion by Senator Fairchild, seconded by Senator Baker, the Bill passed Second Reading and was placed on the Calendar for Third Reading on Monday, April 10, 1911.

Third Reading of Senate Bill No. 116, entitled "An Act to Reimburse Wm. P. Thomas and Chung Ah Get, Holders of Lots 18 and 19 Respectively of the Pupukea-Paumalu Tract, for the Reduction in the Area of Their Lots Caused by the Settlement of Boundaries."

Upon motion by Senator Judd, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Senator J. T. Brown presented a Report (No. 236) from the Printing Committee, stating that Senate Bill No. 22 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

A Communication (No. 30) from Mr. John K. Kai, County Clerk of the County of Hawaii, enclosing copy of resolution relating to purchasing property for water-shed for the City of Hilo, was read by the Clerk as follows:

**COUNTY CLERK.**

County of Hawaii.

Hilo, Hawaii, April 7, 1911.

Sir:—

I have the honor to transmit herewith a certified copy of Resolution No. 54 which was adopted by the Board of Supervisors of the County of Hawaii, at their regular meeting held the 6th day of April, A. D. 1911, asking the Honorable Members of the Legislature to appropriate the sum of Seven Thousand Two Hundred Seventy-seven 50/100 Dollars (\$7,277.50) for the purpose of purchasing the property of the Hawaiian Board of Missions, which is required for the Water-shed for the City of Hilo, District of South Hilo, County and Territory of Hawaii.

I am,

Respectfully yours,

JNO. K. KAI,

Clerk, County of Hawaii.

To the Honorable E. A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

**RESOLUTION.**

WHEREAS the most important duty of a public officer is to care for the health and condition of the inhabitants of the County; and

WHEREAS the water supply is of the greatest importance to the people of this County; and

WHEREAS the population in the City of Hilo is increasing and that the water supply in the near future will not be sufficient to meet the demands;

THEREFORE, BE IT RESOLVED by the Board of Supervisors in and for the County of Hawaii that the members of the Legislature are hereby requested to appropriate the sum of

Seven Thousand Two Hundred Seventy-seven and 50/100 Dollars (\$7,277.50) for the purpose of purchasing the property of the Hawaiian Board of Missions, which is required for the Water-shed for the City of Hilo, District of South Hilo, County and Territory of Hawaii.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the President of the Senate and to the Speaker of the House.

(Sgd.) E. H. AUSTIN,  
Supervisor, North and South Hilo.

I HEREBY CERTIFY that the above is a true  
and correct copy of the original, now on  
file in my office.

JNO. K. KAI,  
County Clerk.

The Communication was received and placed on file, and the Resolution was referred to a Select Committee composed of the Senators from Hawaii.

Third Reading of Senate Bill No. 22, entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1913."

Senator Chillingworth moved to amend by inserting the following in line 245 under the heading "Contingent Fund": "Provided further, that the sum of \$1,000.00 per annum shall be expended out of said sum for the use of such proper committee or association as may have charge of the celebration of that certain Public Holiday, known as Regatta Day, the expenditure of such sum or part thereof to be subject to the approval of the Governor." Seconded by Senator Quinn, and carried.

Senator Robinson moved to amend in line 132 under the heading "Expenses—Harbor Master, Kahului," by increasing the amount from "\$3,000.00" to "\$3,600.00." Seconded by Senator Hewitt, and carried.

There being no objection, further consideration of the Bill on Third Reading was deferred until Monday, April 10, 1911.

At 12:02 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FORTY-SIXTH DAY.

Monday, April 10, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator J. T. Brown absent.

The Journal of the Forty-fifth Day was read and approved.

At 10:08 o'clock A. M., a Message (No. 6) from the Governor, vetoing House Bill No. 87, was received and read by the Clerk as follows:

## A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber.

Honolulu, April 10, 1911.

To the Legislature:

I return herewith, without my approval, House Bill No. 87, entitled "An Act Adding New Sections to Act 46 of the Session Laws of 1909 Relating to the Militia, to be Known as Sections 166, 167, 168 and 169."

The Bill was evidently intended to add four new Sections, to be known as Sections 166, 167, 168 and 169, to the Revised Laws. Not only does it not do this, but there are already in the Revised Laws three Sections bearing the same numbers as three of those purporting to be added thereto.

The Bill in terms adds these Sections, 166, 167, 168 and 169, to Act 46 of the Laws of 1909, which at present contains only three Sections.

Mistakes of this character will naturally occur once in a while through inadvertence, but I feel that the Legislature would prefer not to have them appear upon the statute books and thus detract from the credit which it deserves for the good form in which bills usually are passed.

WALTER F. FREAR,  
Governor of Hawaii.

Senator Chillingworth moved that consideration of the Governor's Message be deferred until Tuesday, April 11, 1911. Seconded by Senator Hewitt, and carried.

A Communication (No. 51) from Mr. Marston Campbell, Commissioner of Public Lands, replying to questions propounded in House Concurrent Resolution No. 21, was read by the Clerk as follows:

**TERRITORY OF HAWAII.**  
**Commission of Public Lands.**

Honolulu, April 8, 1911.

Gentlemen:—

Replying to House Concurrent Resolution No. 21, adopted in the Senate of the Territory of Hawaii on April 6th, I hand you herewith a tabulated list of applicants for public lands whose patents are held up. This tabulation shows the name of the applicant, the location of lot or homestead, the number of his certificate, whether cash freehold or right of purchase lease, date when issued, date of application for title and date of receipt of prove up,—date upon which the patents were referred to the Attorney General, and also the date when the patents, if any, were referred to the Governor for approval.

Further replying to your questions, I submit the following in the order mentioned in Resolution, viz:

First: The number of applications for title in the hands of the Attorney General, 46.

Second: Tabulation answers all questions.

Third: No.

Fourth: No.

For further particulars in reference to these patents, I would respectfully refer your Honorable Body to the Attorney General.

Very respectfully,

MARSTON CAMPBELL,  
Commissioner of Public Lands.

The Honorable President  
and Members of the Senate of the  
•       Territory of Hawaii,  
          Honolulu.

Upon motion by Senator Hewitt, seconded by Senator Judd, the Communication, together with the Concurrent Resolution, were referred to the Printing Committee.

A Communication (No. 192) from the House of Representatives, returning Senate Bill No. 70, was read by the Clerk as follows:



## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 70,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 193) from the House of Representa-  
tives, returning Senate Bill No. 14, was read by the Clerk as  
follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 14, which  
this day passed Third Reading in the House of Representatives  
of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 194) from the House of Representa-  
tives, transmitting House Bill No. 237, was read by the Clerk  
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 237,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 237, entitled "An Act to  
Protect and Safeguard the Interests of Duly Arrived Immi-  
grants Into This Territory."

The Bill passed First Reading by Title and was referred to  
the Judiciary Committee.

A Communication (No. 195) from the House of Representa-  
tives, transmitting House Bill No. 222, was read by the Clerk  
as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 222,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 222, entitled "An Act to Amend Section 1 of Act 152 of the Laws of 1909, Relating to the Disposition of Fines, Costs, and Bail Moneys in Certain Cases."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 196) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 135, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the Senate amendments to House Bill No. 135, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Long, Coney and Archer.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, whereupon the Chair appointed Senators Chillingworth, Judd and Makekau as Senate Conferees for the further consideration of House Bill No. 135.

A Communication (No. 197) from the House of Representatives, transmitting House Concurrent Resolution No. 23, relating to the disposition of a chest of silverware in the Archives, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 8, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 23, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

## HOUSE CONCURRENT RESOLUTION NO. 23.

WHEREAS, there is now stored in the Archives Building of the Territory of Hawaii, a certain chest of silverware that was used in the Palace during the reign of His Majesty King Kalakaua; and

WHEREAS, no good purpose can be served by retaining said chest of silverware in the custody of the Government; and

WHEREAS, it is peculiarly appropriate that said silverware should be available for use by the successor in family and estate of his said Majesty King Kalakaua, to wit: Honorable Jonah K. Kalanianaʻole;

THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Board of Commissioners of Public Archives is hereby authorized and directed to turn over and deliver to said Honorable Jonah K. Kalanianaʻole the said chest of silverware, for the sum of ONE DOLLAR (\$1.00).

The Communication was received and placed on file.

Upon motion by Senator Kaleiupu, seconded by Senator Hewitt, House Concurrent Resolution No. 23 was adopted.

A Communication (No. 31) from the Banks and Trust Companies of the City of Honolulu, relating to Senate Bill No. 125, was read by the Clerk as follows:

Honolulu, T. H., April 8, 1911.

Hon. Eric A. Knudsen,  
President Senate,  
Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

Referring to Senate Bill No. 125, the undersigned Banks and

Trust Companies respectfully represent that under the present system of Banking and Trust Company laws the Banking Institutions and Trust Companies of this Territory have been safely and conservatively administered with the confidence of the community.

The act above mentioned seeks to change the present system in a manner which is unsatisfactory and which will lead to confusion. No good or sound reasons have been advanced for the change in the present law in the manner outlined by the above Bill.

It is our belief that changes in the present law should only be made after due deliberation and proper consideration being given to their effect upon the present Banking and Trust Company laws and the operation of the various financial institutions thereunder; and that there is not sufficient time during the present session of the Legislature to properly consider a law covering the broad field set forth in said bill.

The present Bill is apparently an attempt by one Banking Institution to obtain special legislation for its own interest inasmuch as the powers and privileges sought for in the Bill are not desired by any other Banking Institution in the Territory. The Chamber of Commerce, Merchants' Association and Hawaiian Sugar Planters' Association, through their Legislative Committee, have recorded the fact that they and each of them are opposed to any change in the Banking or Trust Company laws during the present session of the Legislature.

Yours very truly,

THE BANK OF HAWAII, LTD.,  
A. LEWIS, JR.,  
Vice-President.

HENRY WATERHOUSE TRUST CO., LTD.,  
A. N. CAMPBELL,  
Treasurer.

BISHOP & CO.,  
BISHOP TRUST CO., LTD.,  
ALLEN W. T. BOTTOMLEY,  
Secretary.

TRENT TRUST COMPANY, LTD.,  
RICHARD H. TRENT,  
President.

BANK OF HONOLULU, LTD.,  
E. I. SPALDING,  
Vice-President and Manager.

Upon motion by Senator Judd, seconded by Senator Baker, the Communication was laid on the table to be taken up for consideration with Senate Bill No. 125.

A Communication (No. 32) from Mr. W. R. Farrington, enclosing resolution relating to the School Bill, was read by the Clerk as follows:

Honolulu, April 8, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Dear Sir:—

I beg to submit herewith a copy of resolution passed by the officers and teachers of Kawaiahao Seminary, of Honolulu, Hawaii, in support of the School Bill.

Yours respectfully,

WALLACE R. FARRINGTON,

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time,, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the officers and Teachers of Kawaiahao Seminary, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for

school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

Passed April 7, 1911.  
Honolulu, Hawaii.

**KAWAIAHAO SEMINARY,**

**MABEL E. BOSHER,**  
Principal.

**MARY F. KINNEY,**  
**LEORA WORTHINGTON,**  
**MAY WORTHINGTON,**  
**BERTHA L. KEMP.**

**INFORMATIONAL:**

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

The Communication was received and placed on file.

At this juncture, Senator Fairchild moved that House Bill No. 170 be referred to the Committee on Ways and Means. Seconded by Senator Judd, and carried.

Third Reading of Senate Bill No. 22, entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1913."

Senator Kaleiupu moved to amend by increasing the figure "\$22,000.00" to "\$27,000.00", being the item "expenses, officers and employees," under the heading "Survey". Seconded by Senator Baker, and carried.

Senator Quinn moved to amend by increasing the salary of the Surveyor from \$250.00 to \$300.00 a month. Seconded by Senator Makekau, and carried.

Senator Chillingworth moved to amend by increasing the salary of the "Adjutant General" from \$200.00 to \$250.00 a month. Seconded by Senator Quinn, and carried.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild,

Hewitt, Judd, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senators Kalama and Pali.

Absent and not voting: Senator J. T. Brown.

Third Reading of Senate Bill No. 50, entitled "An Act to Provide for Public Improvements."

Senator C. Brown moved to amend by inserting the following new item to be known as 1A: "1A. To acquire for the use and benefit of the Territory of Hawaii, all rights owned by the late Charles W. Booth at the time of his death in all springs as well as the water of Pauoa Stream and valley, and in Pacific Heights waters and water-works, and in such undeveloped land surrounding any of the sources of water-leads as may in the opinion of the Superintendent of Public Works be necessary for insuring the purity of such water, at a price not to exceed \$100,000.00." Seconded by Senator Judd, and carried.

Upon motion by Senator Pali, seconded by Senator Judd, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

A Communication (No. 52) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 91, 150 and 220, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

Secretary of Hawaii.

Honolulu, T. H., April 10, 1911.

Honorable E. A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 91, as Act 76, entitled "An Act to Encourage Certain Industries;"



House Bill No. 150, as Act 77, entitled "An Act Relating to Adulterated Foods and Drugs, Amending Sections 1041 and 1043 of the Revised Laws of Hawaii, and Adding a New Section to be Known as Section 1042A;"

House Bill No. 220, as Act 78, entitled "An Act Making an Additional Appropriation for the Use of the Boys' Industrial School for the Biennial Period Ending the Thirtieth Day of June, 1911."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Third Reading of Senate Bill No. 118, entitled "An Act to Amend Chapter 102 of the Revised Laws of Hawaii, as Amended by Act 96 of the Session Laws of 1907, by Amending Section 1418H Thereof, Relating to Peddlers."

Upon motion by Senator Robinson, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators J. T. Brown and Fairchild.

Third Reading of House Bill No. 5, entitled "An Act to Provide for Entertainment and Expenses of Such Senators and Members of the House of Representatives of the United States, and Other Distinguished Persons as May Visit the Territory of Hawaii Prior to June 30th, 1913."

Upon motion by Senator Quinn, seconded by Senator Kalama, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators J. T. Brown and Fairchild.

Third Reading of House Bill No. 227, entitled "An Act to Amend Sections 6 and 8 of Act 48 of the Session Laws of 1911, Entitled 'An Act to Define, Regulate and License Emigrant Agents.' "

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Robinson, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators J. T. Brown, Fairchild and Quinn.

Third Reading of Senate Bill No. 4, entitled "An Act to Amend Section 19 of Act 102 of the Session Laws of 1905, Relating to the Collection of Inheritance Tax."

Upon motion by Senator Baker, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Fairchild, Chillingworth, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of Senate Bill No. 123, entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws of Hawaii, as Amended by Acts 34, 37 and 56 of the Session Laws of 1905, and as Further Amended by Act 50 of the Session Laws of 1907."

Upon motion by Senator Pali, seconded by Senator Makekau, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of Senate Bill No. 124, entitled "An Act to Amend Chapter 13 of the Revised Laws of Hawaii, by Adding a New Section Thereto to be Known as Section 118A, Providing for the Collection of Certain Debts Due the Territory or Any Political or Municipal Subdivision Thereof by Public Officers and Employees."

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of Senate Bill No. 125, entitled "An Act to Confer and Give Certain Additional Powers to Corporations Now or Hereafter Organized Under the Provisions of Chapter 158 of the Revised Laws of Hawaii."

Upon motion by Senator Chillingworth, seconded by Senator Judd, consideration of the Bill on Third Reading was deferred until 2:00 o'clock P. M.

Senator J. T. Brown presented a Report (No. 237) from the Printing Committee, stating that Senate Bill No. 50 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Judd presented a Report (No. 238) from the Judiciary Committee, recommending the passage of Senate Bill No. 115 with certain amendments, as follows:

#### REPORT ON SENATE BILL NO. 115.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 115, To Prevent the Destruction, Defacing or Removal of Survey Monuments, begs leave to report as follows:

The purpose of the bill, as indicated by the title, is to afford some protection to the Government survey monuments which are from time to time destroyed, defaced or removed, and which costs the Government large sums of money to replace. One very aggravating circumstance is related, that of a Government trigonometrical survey station being removed, in ignorance of its importance it is true, for the purpose of building a pig sty.

It has been found by your Committee that a number of verbal amendments should be made to the bill, and therefore recommends that the bill be amended as follows:

Strike out the word "hereafter" in line 1 of Section 1; insert after the word "unlawful" in line 1 of Section 1, the following words: "without the written consent of the Territorial Surveyor;" strike out the words "offend against" in line 7 of Section 1, and insert in lieu thereof the following: "violate;" strike out the words "in any Court" in line 9, and strike out all

of lines 10 and 11 of Section 1, and insert in lieu thereof the following:

"shall be punished by a fine of not more than FIVE HUNDRED DOLLARS, or by imprisonment for a period of not more than four months, or by both such fine and imprisonment."

With the foregoing amendments it is believed that the bill is in proper form, and will accomplish the objects desired.

Your Committee is of the opinion that the Government survey monuments are as much entitled to protection against defacement, destruction and alteration as are any other public records, especially since these monuments vitally affect lands, both public and private.

In view of the foregoing your Committee recommends that this bill be passed as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 8, 1911.

Upon motion by Senator Kalama, seconded by Senator Quinn, the Report of the Committee was adopted; Senate Bill No. 115 passed Second Reading as amended and was placed on the Calendar for Third Reading on Tuesday, April 11, 1911.

Senator C. Brown presented a Report (No. 239) from the Judiciary Committee, recommending that House Bill No. 141 be tabled, as follows:

REPORT ON HOUSE BILL NO. 141.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 141, To Amend Section 1613 of the Revised Laws of Hawaii, as amended by Section 2 of Act 50 of the Session Laws of 1905, Relating to Commutation, begs leave to report as follows:

The amendment made to the present statute is by the addition thereto of the following phrases:

"Provided, however, that in case of a prisoner serving sent-

ence for the commission of a misdemeanor, the Board of Inspectors shall not be justified in withholding or forfeiting the deduction of sentence in this Act provided, on the ground that such prisoner has refused to perform labor."

This amendment is considered by your Committee to be entirely unnecessary, for the reason that prisoners serving sentence for the commission of a misdemeanor cannot be compelled to work. The only thing for which the Board of Prison Inspectors can withhold or forfeit the reduction of sentence to which a prisoner is otherwise entitled is for an infraction of the rules of the prison.

In view of the above your Committee recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 8, 1911.

Upon motion by Senator Kalama, seconded by Senator Pali, the Report of the Committee was adopted, and House Bill No. 141 was tabled.

Senator C. Brown presented a Report (No. 23) from the Special Committee on Petition relating to Pauoa Springs, recommending the granting of the Petition, and introducing a Bill entitled "An Act Authorizing and Directing the Superintendent of Public Works to Acquire Certain Water-Rights and Lands in Pauoa Valley, City and County of Honolulu," as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Special Committee composed of the Oahu Senators, to whom was referred the Petition of the Hawaiian Trust Company, Limited, who are the Administrators with the Will Annexed of the Estate of the late Charles W. Booth, report that they have given such Petition careful consideration.

Your Committee believes that the Territorial Government should be the owner and control all the water that runs and

takes its source in any and all valleys on this Island back of the City of Honolulu that can now be obtained either by purchase or condemnation proceedings for the purpose of using and distributing such water for the use and benefit of the City of Honolulu and its inhabitants. This Committee believes that the longer this object is deferred, the greater will be the price demanded for such water when the time arrives that the ownership and use of the same will be imperative.

The purchase of the Pauoa water has been before the public and every Legislature since 1903. This Committee submits herewith an Act directing the purchase of all water-rights, rivers, springs, etc., that the Estate of the late Charles W. Booth is interested in in that Valley and vicinity, and recommends its passage. The Committee further recommends that insertion of an item in the Loan Act known as Senate Bill No. 50, after the item "Honolulu Water Works, \$500,000," which should read as follows:

"1a. To acquire for the use and benefit of the Territory of Hawaii, all rights owned by the late Charles W. Booth at the time of his death in all springs as well as the waters of Pauoa Stream and Valley, and in Pacific Heights waters and water works, and in such undeveloped land surrounding any of the sources or water-leads as may in the opinion of the Superintendent of Public Works be necessary for insuring the purity of such water, at a price not to exceed \$100,000.00."

Respectfully submitted,

CECIL BROWN,  
ALBERT F. JUDD,  
E. W. QUINN,  
A. S. KALEIOPU,  
CHAS. F. CHILLINGWORTH.

Honolulu, April 8, 1911.

#### A N A C T

**AUTHORIZING AND DIRECTING THE SUPERINTENDENT  
OF PUBLIC WORKS TO ACQUIRE CERTAIN WATER  
RIGHTS AND LANDS IN PAUOA VALLEY, CITY AND  
COUNTY OF HONOLULU.**

**Be it Enacted by the Legislature of the Territory of Hawaii:**

**SECTION 1.** The Superintendent of Public Works is hereby authorized and directed to acquire for the use and benefit of the Territory of Hawaii, all rights owned by the late Charles

W. Booth at the time of his death, in all springs, as well as the waters of Pauoa Stream and Valley, and in Pacific Heights waters and works, and in such undeveloped land surrounding any of the sources or water leads as may in his opinion be necessary for insuring the purity of such water. Acquisition shall be made by purchase at a price not exceeding One Hundred Thousand Dollars (\$100,000) as may be agreed upon between said Superintendent of Public Works and the person or persons authorized to sell such water rights; and in the event that such purchase is not consummated within three months from the date of the approval of this Act, said Superintendent of Public Works is hereby authorized and directed to proceed to acquire such rights by condemnation proceedings in the name and on behalf of the Territory of Hawaii.

SECTION 2. The Treasurer of the Territory of Hawaii is hereby authorized and directed to pay upon the Warrant of the Superintendent of Public Works any sum of money that may be necessary to purchase all such water rights not to exceed said sum of One Hundred Thousand Dollars (\$100,000) mentioned in Section 1 of this Act.

SECTION 3. This Act shall take effect on the date of its approval.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted.

First Reading of Senate Bill No. 126, entitled "An Act Authorizing and Directing the Superintendent of Public Works to Acquire Certain Water Rights and Lands in Pauoa Valley, City and County of Honolulu."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator C. Brown presented a Report (No. 24) from the Special Committee on House Bill No. 219, recommending the passage of the Bill with one amendment, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Select Committee of Oahu Senators to whom was referred House Bill No. 219, report that they have had same under consideration.

The reason for the introduction of the Bill is known to all, and your Committee approves the object for which it was introduced, and therefore recommends its passage, with this

amendment to Section 2,—at the end of that Section strike out the words "January, A. D. 1913," and insert in their place, "May, 1911."

Respectfully submitted,

CECIL BROWN,  
ALBERT F. JUDD,  
A. S. KALEIOPU,  
CHAS. F. CHILLINGWORTH.

I do not concur:  
E. W. QUINN.

Honolulu, April 8th, 1911.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 219 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Tuesday, April 11, 1911.

Senator C. Brown presented a Report (No. 25) from the Special Committee on House Bill No. 2, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, Hawaii, April 8, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Special Committee of Oahu Senators to whom was referred House Bill No. 2, report that they have given the same due consideration.

The Act is an amendment to Section 39 of the Session Laws of 1907 as amended by Act 128 of the Session Laws of 1909, and covers the salaries of the principal officials of the City and County of Honolulu.

Your Committee are of the opinion that an increase should be made in the salaries of some of the officials, and recommend the following amendments:

Members of the Board of Supervisors.....	\$ 900.00
Sheriff . . . . .	3,000.00
City and County Clerk . . . . .	2,400.00
Auditor . . . . .	2,400.00
City and County Attorney . . . . .	4,200.00
Treasurer . . . . .	2,400.00
Deputy Sheriff of the District of Honolulu....	2,400.00



The reason of the substantial increase in the salary of the Attorney of the City and County of Honolulu, is, that in the opinion of this Committee, that that office is as important and as of high an official standing as that of the Attorney General of the Territory, and that as much work, if not more, is done there than in that of the Office of the Attorney General.

With the amendments suggested above, we recommend that the Bill pass.

Respectfully submitted,

CECIL BROWN,

Chairman.

E. W. QUINN,

A. S. KALEIOPU,

ALBERT F. JUDD,

CHAS. F. CHILLINGWORTH.

Upon motion by Senator Fairchild, seconded by Senator Baker, consideration of the Bill was deferred until Wednesday, April 12, 1911, at 2 o'clock P. M.

Senator C. Brown presented a Report (No. 26) from the Special Committee on House Concurrent Resolution No. 18, recommending the adoption of the Resolution, as follows:

Hon. E. A. Knudsen,

President of the Senate.

Sir:—

The Special Committee of Oahu Senators to whom was referred House Concurrent Resolution No. 18, report that they have had same under consideration.

The Preamble of the Resolution explains the object sought to be accomplished by its adoption, the establishment of a Park or Recreation ground in Makiki Valley back of the Reservoir site in that Valley lying between Tantalus Heights and Manoa Valley.

This Committee is in sympathy with this and recommends that the Resolution be adopted.

The area of the proposed Park is 640 acres.

Respectfully submitted,

CECIL BROWN,

E. W. QUINN,

A. S. KALEIOPU,

ALBERT F. JUDD,

CHAS. F. CHILLINGWORTH.

Honolulu, April 8th, 1911.

Upon motion by Senator Makekau, seconded by Senator Pali, the Report of the Committee was adopted.

Senator Hewitt presented a Report (No. 240) from the Committee on Manufactures, Forestry and Promotion, recommending the passage of House Bill No. 100, as follows:

Honolulu, April 8, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Manufactures, Forestry and Promotion to whom was referred House Bill No. 100, entitled "An Act to Encourage Diversified Industries," has had same under careful and due consideration, and begs leave to report as follows:

The Bill seeks to exempt from taxation for one year from and after the 1st day of January, A. D. 1913, all property solely and actually used in the production of grapes for the manufacture of wine for commercial purposes.

Your Committee agrees with the views of the Bill and therefore recommends its passage.

Respectfully submitted,

GEO. C. HEWITT,  
Chairman.

PHILIP PALI,  
A. S. KALEIOPU,

Upon motion by Senator C. Brown, seconded by Senator Quinn, the Report of the Committee was adopted; House Bill No. 100 passed Second Reading and was placed on the Calendar for Third Reading on Tuesday, April 11, 1911.

Senator Robinson presented a Report (No. 241) from the Committee on Education, recommending the adoption of House Concurrent Resolution No. 19, as follows:

#### SENATE CHAMBER.

Honolulu, T. H., April 10, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Education to whom was referred House

Concurrent Resolution No. 19, relating to the wall enclosing the Honolulu Central Grammar School, has had the same under careful consideration and begs leave to report as follows:

The object of the Resolution is to cause the reduction of the height of the wall surrounding the school referred to by the proper official. Hence, the passage or adoption of the resolution will not in any way hamper with the education of the youths now attending the school within the high enclosure.

Your Committee therefore recommends the adoption of the Resolution.

Respectfully submitted,

WM. T. ROBINSON,  
Chairman.

GEO. H. FAIRCHILD,  
DAVID K. BAKER.

Upon motion by Senator Quinn, seconded by Senator Pali, the Report of the Committee was adopted.

Senator C. Brown presented a Report (No. 27) from the Special Committee on House Bill No. 184, recommending the passage of the Bill with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 184.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Select Committee of the Oahu Members, to whom was referred House Bill No. 184, to amend Sections 17, 19, and 121, and paragraphs 3, 9 and 22 of Section 23 of Act 118 of the Session Laws of 1907, being "An Act Incorporating the City and County of Honolulu," begs leave to report as follows:

The purposes of this bill are to change the Charter of the City and County of Honolulu in several important particulars, such as lessening the number of publications of bills, shortening the time after passage within which an ordinance shall take effect, giving additional powers to the City and County as to buildings, the acquirement of certain property, and placing certain restrictions upon expenditures, and dealing with the appointment of clerks in the office of the City and County Clerk.

Your Committee has had this measure under careful consideration, and as a result, for the reasons hereinafter stated, recommends the following amendments to this bill:

First: That all of the first line of the title after the words "Sections" and "22 of" in line 2 be stricken out and that there be inserted in lieu thereof the following:

**"17 AND 19, AND SECTION 121 AS AMENDED BY ACT  
"118 OF THE SESSION LAWS OF 1909, AND PARA-  
"GRAPH 9 OF"**

**Second: That Section 3 of this bill be stricken out. The purpose of this section is to give to the City and County the power to regulate the erection and removal of buildings. This Section is stricken out for the reason that Section 1 of Senate Bill No. 94 covers this ground very thoroughly and has passed third reading in the Senate, gone to the House, and been favorably reported to the House by its Judiciary Committee, and will no doubt in due course pass third reading there, and become law. This Section is therefore unnecessary.**

**Third: That Section 4 be re-numbered Section 3, and that the following amendments be made thereto:**

**(a) That the following phrase be stricken out of lines 8, 9 and 10 of this Section:**

**"sewers, pumping stations, water works, including res-  
"ervoirs, wells, pipe lines and other conduits for dis-  
"tributing water to the public;"**

**This is stricken out for the reason that this power is given to the City and County of Honolulu by Act 101 of the Session Laws of 1909, and this provision is therefore unnecessary in this bill.**

**(b) Strike out from lines 14 and 15 of this Section the following:**

**"fire apparatus and appliances and"**

**This ground is also more thoroughly covered in Section 3 of Senate Bill No. 94 hereinbefore referred to, and is therefore unnecessary in this bill.**

**(c) After the word "cleaning" in line 15 of this Section insert the words**

**"of the streets."**

**(d) After the words "and" and before the word "flushing" in line 16 of this Section insert the word**

**"for"**

**(e) That in line 16 the word "herein" be made "therein."**

**These are merely verbal changes to conform to the existing law on the subject, which it was not intended should be changed by this bill.**

**Fourth: That all of Section 5 be stricken out. This Section imposes restrictions upon the expenditure of public moneys.**

Act 47 of the Laws of 1911, approved March 31, 1911, approved after this bill was introduced, covers this subject very thoroughly, and your Committee therefore considers this Section of this bill entirely unnecessary.

Fifth: That the first two lines of Section 6 be stricken out, and that there be inserted in lieu thereof the following:

"Section 4. Section 121 of Act 118 of the Session Laws of 1907, as amended by Act 118 of the Session Laws of 1909 is hereby further amended to read as follows:"

This is merely for the purpose of changing the numbering of the section, and to make it cover the 1909 Act, amending this Section 121, this having been overlooked in the drafting of this measure.

Sixth. That Section 7 be renumbered Section 5. This becomes necessary because of the striking out of Sections 3 and 5.

Your Committee is of the opinion that the changes made in the existing laws by Sections 1 and 2 of this bill are very desirable, and especially so in view of the long delay which is now experienced between the time a bill is introduced in the Board of Supervisors, and the time it finally becomes effective.

Section 4 of this bill, Section 3 as amended, gives to the City and County, in addition to the powers already possessed by it, the power to acquire buildings for City and County purposes, and the power to acquire plants, apparatus and appliances for lighting streets and public buildings. The first is a very desirable provision, as is also the second since it is a matter which should be entirely in the hands of the local government. These two additional grants of power are considered by your Committee to be wise provisions for the future. It certainly cannot be questioned that a City the size of Honolulu and growing as it is should own its own public buildings, and that it should own and control the necessary plant for lighting its streets and public buildings.

With the amendments which have been recommended your Committee is of the opinion that the bill is in proper shape, and will accomplish the purposes desired.

In view of the above your Committee recommends that this bill be passed as amended.

Respectfully submitted,

SELECT COMMITTEE OF OAHU MEMBERS.

CECIL BROWN,

Chairman.

E. W. QUINN,

A. S. KALEIOPU,

CHAS. F. CHILLINGWORTH,

ALBERT F. JUDD.

April 10, 1911.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 184 passed Second Reading as amended, and was placed on the Calendar for Tuesday, April 11, 1911, for Third Reading.

Senator Kalama presented a Report (No. 242) from the Committee on Public Lands and Internal Improvements, recommending the passage of House Joint Resolution No. 7, as follows:

**SENATE CHAMBER.**

Honolulu, Oahu, April 8th, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improvements to whom was referred Joint Resolution No. 7 has had the same under due and careful consideration and begs leave to report as follows:

Your Committee agrees with the views of the Resolution and therefore recommends its passage.

Respectfully submitted,

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
GEO. C. HEWITT.

Upon motion by Senator Judd, seconded by Senator Baker, consideration of the Resolution was deferred until Tuesday, April 11, 1911.

Senator Chillingworth presented a Report (No. 243) from the Committee on Public Health, recommending the passage of House Bill No. 160 with certain amendments, as follows:

Honolulu, T. H., April 7, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Honolulu, Hawaii.

Sir:—

Your Committee on Public Health to whom was referred House Bill No. 160, "An Act to Regulate the Manufacture of Poi for Sale," begs leave to report as follows:

Your Committee has had a public hearing on the bill, and has given the measure its careful consideration.

Poi is a more comprehensive term than paiai, as it includes poi made from other vegetables than taro, while paiai refers only to a product of taro. The title of the bill does not refer to paiai.

The Committee recommends that there be deleted from the bill the words "or paiai" where they appear in the bill, viz: in Sections 1, 2 (three times) and 3.

In lieu of the words stricken out, the Committee recommends there be inserted the words "or food products of which poi is made" and that in the title of the bill there be inserted after the word "poi" the words "and food products of which poi is made."

Your Committee believes that the time has come to safeguard the public health by legislation calculated to insure clean food to the consumer. Some legislation to this end has already been completed and the bill in question is but one step in this policy. Epidemics have become altogether too frequent and disease is making heavier inroads into Hawaii's population. Your Committee is strongly of the opinion that now is the time to take preventive measures, rather than to let things go on as they are until drastic and expensive measures have to be taken either by the people of Hawaii or by the parent government.

With the above amendments the Committee recommends the passage of the bill.

Respectfully submitted,

PHILIP PALI,  
ALBERT F. JUDD.

I endorse the substance of the foregoing report but believe that, where possible, the Board of Supervisors of the City and County of Honolulu should have charge of sanitation in the City of Honolulu except in such cases as they are not able to enforce such proper regulations as may be made—in other words, if the Board of Health of the Territory of Hawaii sees the necessity for so doing, it may call the attention of the Board of Supervisors to such conditions that exist that in their opinion may be a menace to the safety and health of the community and if the Board of Supervisors, by Ordinance or otherwise, fail to correct such conditions, the Board of Health shall then take such steps as they may deem proper and the expense, if any, shall be paid by the County or City and County, as the case may be.

CHAS. F. CHILLINGWORTH.

Upon motion by Senator Kaleiopu, seconded by Senator Judd,

consideration of the Bill was deferred until tomorrow, April 11, 1911.

Senator Robinson presented a Report (No. 244) from the Printing Committee, stating that Senate Bill No. 85 had been reprinted and was ready for distribution.

The Report of the Committee was received and placed on file.

A Communication (No. 33) from Mr. W. R. Farrington, enclosing Resolution relating to the School Bill, was read by the Clerk as follows:

Honolulu, April 10, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Dear Sir:—

I beg to hand you herewith a copy of resolution passed by The Board of the Hawaiian Evangelical Association, supporting the School Bill.

Yours very truly

WALLACE R. FARRINGTON.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, The Board of the Hawaiian Evangelical Association, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for



school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

Passed ....., 1911.

Honolulu, Hawaii.

THE BOARD OF THE HAWAIIAN  
EVANGELICAL ASS'N.

By P. C. JONES,  
President.

JOHN P. ERDMAN,  
Acting Cor. Secretary.

INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

The Communication was received and placed on file.

At 12:07 o'clock P. M., the Senate took a recess until 2 o'clock P. M.

AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

Third Reading of Senate Bill No. 125, entitled "An Act to Confer and Give Certain Additional Powers to Corporations Now or Hereafter Organized Under the Provisions of Chapter 158 of the Revised Laws of Hawaii."

The Bill failed to pass Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, Fairchild, Judd, Kaleiopu, and President Knudsen. Total, 5.

Noes: Senators Baker, Chillingworth, Hewitt, Makekau, Pali, Quinn, and Robinson. Total, 7.

Absent and not voting: Senators J. T. Brown and Kalama.

A Communication (No. 198) from the House of Representatives, returning Senate Bill No. 45, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 45,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Second Reading of House Bill No. 2, entitled "An Act to  
Amend Section 39 of Act 118 of the Session Laws of 1907, as  
Amended by Act 128 of the Session Laws of 1909."

Upon motion by Senator Chillingworth, seconded by Senator  
Judd, the Report of the Committee was adopted; House Bill  
No. 2 passed Second Reading and was placed on the Calendar  
for Third Reading on Tuesday, April 11, 1911.

At 2:45 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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FORTY-SEVENTH DAY.

Tuesday, April 11, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjourn-  
ment.

After prayer by the Chaplain, the Roll was called, showing Senator J. T. Brown absent.

The Journal of the Forty-sixth Day was read and approved.

Consideration of Governor's Message No. 6, vetoing House Bill No. 87, entitled "An Act Adding New Sections to Act 46 of the Session Laws of 1909 Relating to the Militia, to be Known as Sections 166, 167, 168 and 169."

The Bill failed to pass, thereby sustaining the veto of the Governor, on the following showing of Ayes and Noes:

Ayes: None.

Noes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Absent and not voting: Senator J. T. Brown.

A Communication (No. 199) from the House of Representatives, returning Senate Bill No. 17 with one amendment, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 17, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

Strike out the words "the date of its approval" in line 2 of Section 2, and insert in lieu thereof the words and figures "July 1st, 1911."

Very Respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Robinson, seconded by Senator Chillingworth, the amendment to Senate Bill No. 17 was concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Fairchild, Hewitt,

Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: Senator C. Brown.

Absent and not voting: Senator J. T. Brown.

A Communication (No. 200) from the House of Representatives, returning Senate Bill No. 79 with one amendment, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 79, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

Add to the title of said Bill, the following words: "Relating to Licenses."

Very truly yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Hewitt, the amendment to Senate Bill No. 79 was concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

A Communication (No. 201) from the House of Representatives, returning Senate Bill No. 111 with certain amendments, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 111, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Insert the words "of Hawaii" after the words "Laws" in the title of said Bill.

In line 1 of Section 1, insert the word "of Hawaii" after the word "Laws."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Robinson, the amendments to Senate Bill No. 111 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 12.

Noes: Senator Quinn.

Absent and not voting: Senator J. T. Brown.

A Communication (No. 202) from the House of Representatives, transmitting House Bill No. 246, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 10, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 246,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 246, entitled "An Act to Regulate the Storage of Explosives."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator C. Brown gave notice of his intention to introduce a Bill entitled "An Act Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto."

Under suspension of the rules, Senator C. Brown introduced Senate Bill No. 127, entitled "An Act Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 115, entitled "An Act to Prevent the Destruction, Defacing or Removal of Survey Monuments."

Upon motion by Senator Kaleiupu, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators J. T. Brown and Fairchild.

Third Reading of House Bill No. 2, entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907, as Amended by Act 128 of the Session Laws of 1909."

Upon motion by Senator Quinn, seconded by Senator Pali, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Judd, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Quinn, and Robinson. Total, 11.

Noes: Senators Fairchild and President Knudsen.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 100, entitled "An Act to Encourage Diversified Industries."

Senator Judd moved to amend the title of the Bill by striking out the words "Diversified Industries," and inserting in lieu thereof the words "the Production of Grapes for Certain Purposes,". Seconded by Senator C. Brown, and carried.

Upon motion by Senator Pali, seconded by Senator Judd, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 219, entitled "An Act to Amend Act 118 of the Session Laws of 1907, Entitled 'An Act Incorporating the City and County of Honolulu.'"

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kaleiupu, Quinn, and President Knudsen. Total, 8.

Noes: Senators Baker, Kalama, Makekau, Pali, and Robinson. Total, 5.

Absent and not voting: Senator J. T. Brown.

Second Reading of House Joint Resolution No. 7.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Resolution was referred to the Judiciary Committee.

Second Reading of House Bill No. 160, entitled "An Act to Regulate the Manufacture of Poi for Sale."

Upon motion by Senator Fairchild, seconded by Senator Judd, consideration of the Bill on Second Reading was deferred until Wednesday, April 12, 1911.

Senator Fairchild presented a Report (No. 245) from the Committee on Ways and Means, recommending the passage of House Bill No. 170 with certain amendments, as follows:

## SENATE CHAMBER.

Honolulu, T. H., April 10, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 170, entitled "An Act Appropriating Twenty-five Thousand Dollars for the Purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax Under Sections 764 to 768 of the Penal Laws of 1897," on the recommendation of the Judiciary Committee of the Senate, begs leave to report as follows:

While it is contended that under the present rule of law these claims could not be recovered in a suit at law, there is nothing to prohibit the legislature from correcting an injustice due to its enacting into a law an illegal act, on the other hand there is much to commend such an action.

It is ascertained that the sum of Twenty Thousand Dollars would be more than sufficient to meet all claims under this proposed Act, and the Committee recommends the amending of the amount from "Twenty-five Thousand" to "Twenty Thousand."

In Section 3 the Committee also recommends the striking out of all the words after "presented" in line 2 to and including the word "Act" in line "3," and inserting in lieu thereof the following words: "on or before the 30th day of June, A. D. 1911."

This amendment is necessary in order to prevent any of the unpaid claims or any claim for which appropriations are provided, from being paid out of the current revenues of the ensuing biennial period after June 30, 1911. The passage of the Bill with the provision in Section 3 forever barring such claims as are not made and presented within the limited time, will in the future prevent further legislation on this matter. This matter has been before the legislature, now for the fifth time, and is certain to appear again unless something is done to right the illegal action of a previous regulation.

Your Committee therefore recommends the Bill pass with the amendments submitted.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON,  
CECIL BROWN,  
E. W. QUINN,



Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Report of the Committee was adopted; House Bill No. 170 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Wednesday, April 12, 1911.

Senator Fairchild presented a Report (No. 246) from the Committee on Ways and Means, recommending the passage of House Bill No. 228, as follows:

Honolulu, Hawaii, April 11, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 228, report that they have had the same under consideration.

The object of the Bill is to increase the Loan Act of 1905 from the amount then passed to an amount now not exceeding \$7,500,000.00.

By the Governor's Report there are on hand now yet to be issued bonds amounting to \$1,756,000.00. This with the increase proposed by the Bill under consideration of \$2,500,000.00 more will, in the opinion of this Committee, be sufficient for the purposes desired. We recommend the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

E. W. QUINN,  
WM. T. ROBINSON,  
CECIL BROWN.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Report of the Committee was adopted; House Bill No. 228 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 12, 1911.

Senator C. Brown presented a Report (No. 28) from the Special Committee on Senate Bill No. 117, recommending the passage of the Bill, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Special Committee of Oahu Senators to whom was referred Senate Bill No. 117, report that they have had same under consideration.

The Bill seeks to relocate a portion of the North side of Union Street in the City of Honolulu, and is shown by the plan or diagram attached to this report and made a part thereof.

That portion of the street as now used on the North side and which will by this relocation be unnecessary for the use for street purposes, can be sold by the Government to the owner of property upon which the street as at present used, abuts, as provided by Section 722 of the Revised Laws of Hawaii, and the Act so provides.

This Committee believes that the projected relocation is in the line of City improvement, and will be an improvement to that portion of Honolulu, and therefore recommend the passage of the Bill.

Respectfully submitted,

CECIL BROWN,  
ALBERT F. JUDD,  
A. S. KALEIOPU,  
CHAS. F. CHILLINGWORTH,  
E. W. QUINN.

Honolulu, April 11th, 1911.

Upon motion by Senator Quinn, seconded by Senator Judd, the Report of the Committee was adopted; Senate Bill No. 117 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 12, 1911.

Senator Judd presented a Report (No. 247) from the Judiciary Committee, recommending the tabling of Senate Bill No. 15, and the passage of a substitute Bill, (Senate Bill No. 128), as follows:

REPORT ON SENATE BILL NO. 15.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate

Bill No. 15, An Act to Provide for the Sale and Conveyance of the Property of Deceased Persons, begs leave to report as follows:

The objects sought to be attained by this Bill are to abolish the priority between the real and personal property belonging to the estate of a deceased person, and to provide for the sale of real property for the payment of debts before the personal property is exhausted.

Upon a careful investigation we find that there is an urgent need for some provision in our statutes, there being none at the present time, whereby unproductive real property rather than revenue-producing personal property may be sold to pay debts. As the law now stands it is necessary to dispose of all the personal property before the real property can be touched for the payment of debts. In a number of instances reported to this Committee this has worked a serious hardship on the family of the deceased, the executor being compelled to dispose of revenue-producing personal property, such as valuable dividend-paying stock, for the purpose of securing money to pay debts due by the estate, and to keep real property which while perhaps of considerable value brought in little or no revenue. Under these circumstances your Committee is of the opinion that a change in our law is desirable, and that the purposes sought to be accomplished by this bill are good. However, your Committee believes the bill in its present form too long and complicated, and in addition it appears to have been taken bodily from the statute books of a code state, and is therefore unsuited to the system of law and procedure in this jurisdiction, which is the growth of years, and should not be so radically changed as is contemplated in this bill. Your Committee has therefore prepared a substitute bill which is submitted with this report. This substitute bill is believed to thoroughly cover the ground, to grant the relief desired, and to be consistent with our system of law and procedure.

In view of the foregoing your Committee recommends that Senate Bill No. 15 be tabled, and that the substitute bill submitted with this report be passed in place thereof.

April 11, 1911.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Upon motion by Senator C. Brown, seconded by Senator Quinn, the Report of the Committee was adopted, and Senate Bill No. 15 was tabled.

First Reading of Senate Bill No. 128, entitled "An Act Providing for the Sale of Real Property by Executors and Administrators, Amending Section 1855 of the Revised Laws of Hawaii, and Adding to Said Revised Laws Two New Sections to be Known as Sections 1855A and 1855B."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Senator Judd presented a Report (No. 248) from the Judiciary Committee, recommending the passage of House Bill No. 237 with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 237.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 237, to Protect and Safeguard the Interests of Newly Arrived Immigrants Into the Territory, begs leave to report as follows:

The object of this Bill is to protect the newly arrived immigrants into this Territory from being misled by false and mischievous representations of emigrant agents seeking to withdraw such immigrants from the Territory, and inducing them to enter into ill-advised contracts, before they have had opportunity to look over the land, and get some idea of the local conditions. This in no way restrains the newly arrived immigrant, he being entirely free to do as he wishes, but this bill is intended as a restraint upon the powers of the Emigrant Agent and to prevent him from inducing and enticing such immigrant to leave the Territory before he has had time to become familiar with the Territory and what it offers. This restrain upon the activities of the Emigrant Agent is for a period of 30 days after the immigrant arrives in the Territory.

Your Committee recommends that Section 1 of this bill be amended by inserting after the word "Immigration" in line 12 thereof, the following words:

"or any legal successor in powers and duties to such  
"board,"

And that Section 2 of this bill be amended by inserting after the word "Immigration" in line 2 thereof the following words:

"or any legal successor in powers and duties to such  
"board,"

With these amendments your Committee is of the opinion that the bill is in proper form, and will accomplish the purposes desired.

In view of the above your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 12, 1911.

Upon motion by Senator Judd, seconded by Senator Makekau, the Report of the Committee was adopted; House Bill No. 237 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Wednesday, April 12, 1911.

Senator Judd gave notice of his intention to introduce a Bill entitled "An Act to Amend Chapter 147 of the Revised Laws of Hawaii by Adding Thereto a New Section to be Known as Section 2284A, and to Repeal Section 2 of Act 43 of the Session Laws of 1905, Relating to the Widow's Election of Dower."

Under suspension of the rules, Senator Judd introduced Senate Bill No. 129, entitled "An Act to Amend Chapter 147 of the Revised Laws of Hawaii by Adding Thereto a New Section to be Known as Section 2284A, and to Repeal Section 2 of Act 43 of the Session Laws of 1905, Relating to the Widow's Election of Dower."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 11:20 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FORTY-EIGHTH DAY.

Wednesday, April 12, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator J. T. Brown absent.

The Journal of the Forty-seventh Day was read and approved.

A Communication (No. 53) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 14, 45 and 70, and House Bills Nos. 5 and 227, was read by the Clerk as follows:

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 11, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 14, as Act 79, entitled: "An Act to Repeal Chapter 74 of the Revised Laws of Hawaii, Relating to Fire Limits;"

Senate Bill No. 45, as Act 80, entitled: "An Act to Amend Subdivision 4A of Section 9, Act 39 of the Session Laws of 1905, Relating to the General Powers, Liabilities and Limitations of Counties, as Amended by Act 100 of the Session Laws of 1909;"

Senate Bill No. 70, as Act 81, entitled: "An Act to Amend Sections 2687 and 2688 of the Revised Laws of Hawaii, Relating to Weights and Measures;"

House Bill No. 5, as Act 82, entitled: "An Act to Provide for Entertainment and Expenses of Such Senators and Members of the House of Representatives of the United States and Other Distinguished Persons as May Visit the Territory of Hawaii Prior to June 30, 1913;"

House Bill No. 227, as Act 83, entitled: "An Act to Amend Sections 6 and 8 of Act 48 of the Session Laws of 1911, En-

titled 'An Act to Define, Regulate and License Emigrant Agents.' "

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 203) from the House of Representatives, notifying the Senate that the Governor's veto of House Bill No. 87, was read by the Clerk, as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the veto of the Governor to House Bill No. 87 was this day sustained in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 204) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 74, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 74 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 205) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 100, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 100 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 206) from the House of Representatives, returning Senate Bill No. 18 with certain amendments, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 18, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Strike out the word and figures "twenty-five (25)" in line 18 of Section 1 of said Bill, and insert in lieu thereof the word and figures "thirty-five (35);" also in line 22 of said Section



strike out the word "twenty-five," and insert in lieu thereof the word "thirty-five."

Amend Section 10 to read as follows: "Section 10. This Act shall take effect on and after the first day of July, A. D. 1911."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the amendments made by the House to Senate Bill No. 18 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

A Communication (No. 207) from the House of Representatives, returning Senate Bill No. 36 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 36, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In Section 5 of said Bill, strike out lines 63 to 76 inclusive, beginning with the word "If" after the word "basis" in line 63, and ending with the words "per cent" in line 76, and insert in lieu thereof the following:

"If the rate so estimated for the purposes specified in subdivisions 1 and 2 shall when added to the rate required for the purposes specified in subdivisions 3, 4 and 5 make the total rate in excess of one and one-eighth per cent, the rate for the purposes specified in subdivisions 1 and 2 shall be reduced so

that such total rate shall be one and one-eighth per cent. If the estimates of the amounts required for the purposes specified in subdivisions 1 and 2 shall not be transmitted to the assessor on or before the last day of January in that year, the Assessor shall fix as the rate for the purposes specified in subdivisions 1 and 2 the difference between the rate required for the purposes specified in subdivisions 3, 4 and 5, and the maximum rate of one and one-eighth per cent. The rate thus determined for the purposes specified in subdivisions 1 and 2 shall be divided in the proportion of three-fourths for the purposes specified in subdivision 1 and one-fourth for the purposes specified in subdivision 2."

Insert the words and figures "July 1, 1911, except as to Section 5 thereof, which shall take effect on" before the word "January" in line 1 of Section 8; and at the end of said Section 8, add the following:

"and further provided that, except as hereinafter specified, all taxes now or hereafter delinquent, and collected after June 30, 1911, shall be disposed of as required by the law in force at the time they became delinquent; and further provided that all general property taxes collected after said June 30, 1911, and which, if not paid, would become delinquent during the following half year, except those referred to in the proviso of Section 1212 of the Revised Laws as amended by this Act, shall be disposed of as follows: one-half to the respective counties and city and county, other than the County of Kalawao, in which they were collected, for the purposes specified in Subdivision 1 of said Section 1212; one-sixth to such counties and city and county, for the purposes specified in subdivision 2 of said Section 1212; such amounts to such counties and city and county, for the purposes specified in subdivision 4 of said Section 1212, as shall equal one-fourth of the amounts specified for such purposes for the biennial period in Section 7 of "An Act to Provide for the Maintenance of the Public Schools;" and the remainder, together with all school taxes collected after said June 30, 1911, to the Territory, for the purposes specified in Subdivision 5 of said Section 1212; and the provisions of the fourth paragraph of Section 1272A of the Revised Laws, shall apply as near as may be in respect of the allotments made in this Section for the respective purposes specified in said Subdivisions 2, 4 and 5, and the Territory shall advance to such counties and city and county monthly during the half year ending December 31, 1911, so much as may be necessary for the purposes specified in said Subdivision 1, not exceeding in any one month one-twelfth of the estimated amount which such general property taxes will yield during such half year, and may reimburse itself for the amounts so advanced out of the half of such property taxes

when collected which would otherwise be payable to such counties and city and county as above provided."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, consideration of the amendments made by the House to Senate Bill No. 36 were deferred until Thursday, April 13, 1911.

A Communication (No. 208) from the House of Representatives, transmitting House Bill No. 79, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 79, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 79, entitled "An Act to Amend Section 211 of the Revised Laws of Hawaii, as Amended by Act 47 of the Session Laws of 1907, Approved the 5th Day of April, 1907."

The Bill passed First Reading by Title and was referred to Committee on Education.

A Communication (No. 209) from the House of Representatives, transmitting House Bill No. 136, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 11, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 136, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 136, entitled "An Act to Repeal Act 148 of the Session Laws of 1909, Relating to Game."

Upon motion by Senator Quinn, seconded by Senator Makekau, the Bill was indefinitely postponed.

A Communication (No. 34) from Mr. W. R. Farrington, enclosing Resolution relating to the School Bill, was read by the Clerk as follows:

Honolulu, April 10, 1911.

Hon. E. A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Dear Sir:—

I beg to hand you herewith a copy of resolution passed by the Sociedade Sao Martinho Beneficente de Hawaii, in support of the School Bill.

Yours very truly,

W. R. FARRINGTON.

WHEREAS, it is a recognized American principle that all children of school age shall have equal opportunities of obtaining a public school education, and

WHEREAS, under previous legislative appropriations for

the Territory of Hawaii the provisions for public schools, both as to teachers and buildings, have been insufficient, so that, even at the present time, eleven hundred children applying for admission, have of necessity, been denied these educational opportunities, and

WHEREAS, a School Bill, correcting conditions, has been introduced into the Territorial Legislature, now in session, and is now receiving the serious consideration of its members, and

WHEREAS, education is of such paramount importance that it deserves immediate and heartiest support in every direction,

THEREFORE, RESOLVED, That We, the Sociedade Sao Martinho Beneficente de Hawaii, of Honolulu, Hawaii, do hereby endorse the general plan covered in Senate Bill No. 18, and House Bill No. 219, wherein ample provision is made for school needs, and urgently petition the members of the Legislature of the Territory of Hawaii to pass the same.

Passed April 6th, 1911.

Honolulu, Hawaii.

JOHN F. SOUZA,

President.

JOHN S. MARQUES, JR.,

Secretary.

JOAO MONIZ,

Treasurer.

#### INFORMATIONAL:

The Bill referred to was recommended by the School Fund Commission, and has been endorsed by the Administration, the Department of Public Instruction, the College of Hawaii, the University Club, the Civic Federation, and the allied business interests, composed of the Planters' Association, Chamber of Commerce, and Merchants' Association.

The Communication was received and placed on file.

Senator Robinson presented a Report (No. 249) from the Printing Committee, stating that the Report of the Committee on Ways and Means on sundry bills relating to unpaid claims against the Territory, House Concurrent Resolution No. 21, and Senate Bills Nos. 126, 127, 128 and 129 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 126, entitled "An Act Authorizing and Directing the Superintendent of Public Works

to Acquire Certain Water Rights and Lands in Pauoa Valley, City and County of Honolulu.”

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Second Reading, and was placed on the Calendar for Thursday, April 13, 1911, for Third Reading.

Second Reading of Senate Bill No. 127, entitled “An Act Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto.”

Referred to the Judiciary Committee.

Second Reading of Senate Bill No. 128, entitled “An Act Providing for the Sale of Real Property by Executors and Administrators, Amending Section 1855 of the Revised Laws of Hawaii, and Adding to Said Revised Laws Two New Sections to be Known as Sections 1855A and 1855B.”

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Thursday, April 13, 1911.

Second Reading of Senate Bill No. 129, entitled “An Act to Amend Chapter 147 of the Revised Laws of Hawaii, by Adding Thereto a New Section to be Known as Section 2284A, and to Repeal Section 2 of Act 43 of the Session Laws of 1905, Relating to Widow’s Election of Dower.”

Referred to the Judiciary Committee.

Senator Chillingworth, for the Committee on Public Health, gave notice of his intention to introduce the following Bills:

1. “An Act to Amend Sections 1004, 1005 and 1006, Chapter 80 of the Revised Laws, and Adding a New Section Thereto to be Known as Section 1005A, Relating to Infectious Diseases.”

2. “An Act to Amend Section 988 and Section 991, as Amended by Act 42 of the Laws of 1905, of the Revised Laws, and to Add a New Section Thereto to be Known as Section 992A, Relating to the Board of Health.”

3. “An Act to Prevent Tuberculosis and the Spread Thereof.”

Under suspension of the rules, Senator Chillingworth, for the Committee on Public Health, introduced Senate Bill No. 130, entitled “An Act to Amend Section 988 and Section 991, as Amended by Act 42 of the Laws of 1905, of the Revised Laws, and to Add a New Section Thereto to be Known as Section 992A, Relating to the Board of Health.”

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Chillingworth introduced Senate Bill No. 131, entitled "An Act to Amend Sections 1004, 1005 and 1006, Chapter 80 of the Revised Laws, and Adding a New Section Thereto to be Known as Section 1005A, Relating to Infectious Diseases."

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Chillingworth introduced Senate Bill No. 132, entitled "An Act to Prevent Tuberculosis and the Spread Thereof."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 117, entitled "An Act to Provide for the Relocation of a Portion of the North Side of Union Street, Honolulu."

Upon motion by Senator Quinn, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 184, entitled "An Act to Amend Sections 17 and 19 and Section 121, as Amended by Act 118 of the Session Laws of 1909, and Paragraph 9 of Section 23 of Act 118 of the Session Laws of 1907, Being 'An Act Incorporating the City and County of Honolulu.'"

Upon motion by Senator Quinn, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 170, entitled "An Act Appropriating Twenty Thousand Dollars for the Purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax Under Sections 764 to 768 of the Penal Laws of 1897."

Senator Judd moved to amend by striking out the third paragraph of the Bill, beginning with the word "Whereas". Seconded by Senator C. Brown, and carried.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, Chillingworth, Fairchild, Hewitt, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senators C. Brown and Judd.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 228, entitled "An Act to Amend Section 1 of Act 42 of the Session Laws of 1903, Relating to Public Loans."

Upon motion by Senator Quinn, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Third Reading of House Bill No. 237, entitled "An Act to Protect and Safeguard the Interests of Newly Arrived Immigrants Into This Territory."

Upon motion by Senator Judd, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator J. T. Brown.

Second Reading of House Bill No. 160, entitled "An Act to Regulate the Manufacture of Poi for Sale."

Upon motion by Senator Kaleiupu, seconded by Senator Baker, the Majority Report of the Committee on the Bill, together with the Bill were laid on the table.

Senator C. Brown presented a Report (No. 29) from the Special Committee on House Bill No. 31, recommending the passage of the Bill with certain amendments, as follows:



## REPORT ON HOUSE BILL NO. 31.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Oahu Committee, to whom was referred House Bill No. 31, To Provide for Nominations by Direct Vote, begs leave to report as follows:

This is the primary bill, the purposes of which are indicated by the title. This bill as it came from the House provides for nominations by direct vote of candidates for offices on the Island of Oahu, as well as for Senators and Representatives. After careful consideration your Committee is of the opinion that Representatives from the Fourth and Fifth Representative Districts, and Senators from the Third Senatorial District are not elective officers on the Island of Oahu, within the meaning of the Direct Primary Plank in the Republican Platform. The provisions of the bill which relate to Senators and Representatives have therefore been eliminated from the bill.

Section 10 of the bill also has been amended by providing that electors intending to vote a party ticket shall file at least 60 days before the primary a declaration of party affiliation, and that only one such declaration shall be filed by any such person desiring to vote a party ticket. This provision is added for the purpose of preventing persons attempting to vote the ticket of the party to which they do not belong. This matter is also safeguarded by an amendment to Section 12 of the bill by providing two additional grounds of challenge, i. e. That such elector is not entitled to vote a party ticket, and that such person is not entitled to vote the party ticket which he demands. It is believed that these two amendments to Sections 10 and 12 will force electors to vote the party ticket of the party to which they belong, and prevent them from voting for candidates of the party to which they do not belong, to the detriment of such party.

After a careful consideration of the bill and the amendments which have been made, your Committee has thought it advisable to prepare a copy of the bill incorporating the amendments therein. Your Committee recommends that the amended bill submitted with this report be passed.

Respectfully submitted,

## SELECT COMMITTEE OF OAHU MEMBERS.

CECIL BROWN,  
Chairman.

E. W. QUINN,  
A. S. KALEIOPU,  
CHAS. F. CHILLINGWORTH,  
ALBERT F. JUDD,  
Committee.

April 12, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 31 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Thursday, April 13, 1911.

At 11:16 o'clock A. M., the Senate resolved itself into a Committee of the Whole, Senator Judd in the Chair, for the consideration of House Bill No. 145, together with the Report of the Committee on Ways and Means on the Bill.

At 11:55 o'clock A. M., the Committee rose, and Senator Judd reported verbally, recommending the passage of the Bill with certain amendments, and the tabling of Senate Bills Nos. 61, 72 and 96, Senate Resolution No. 18, and House Bills Nos. 103, 145, 155, 167, 172 and 174, and asked for further time in which to file a written report.

The Report of the Committee was adopted; House Bill No. 145 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Thursday, April 13, 1911, and Senate Bills Nos. 61, 72 and 96, Senate Resolution No. 18, and House Bills Nos. 103, 145, 155, 167, 172 and 174 were tabled.

A Communication (No. 35) from Mr. John A. Kealoha, Secretary, Hilo Labor Union, enclosing Resolutions relating to the County of Hawaii, was read by the Clerk as follows:

Hilo, Hawaii, April 10, 1911.

To the Hon. President,  
Senate Chamber,  
Honolulu, T. H.

Dear Sir:—

I was instructed by the labor Union to enclose you herewith certified copies of resolutions adopted by said Union on April 7th, 1911, relative to matters pertaining to the interest of the County of Hawaii.

Hoping that these matters will received favorable consideration by your Honorable Body, I beg to remain,

Very respectfully yours,

JNO. A. KELOHA,  
Secretary.

#### RESOLUTION.

Whereas the water supply for the City of Hilo is barely sufficient for its present needs and will be totally inadequate therefor in the near future; and

Whereas there is situated upon the immediate surrounding of the present Water Head certain parcel of land containing an area of about 50 acres more or less, with certain springs which, if the County could obtain possession thereof would develope it with larger storage capacity that will give an increased water supply to the City of Hilo for many years to come; and

Whereas the Hawaiian Board of Missions is willing to sell this property to the County of Hawaii for the sum of Seven Thousand Two Hundred and Seventy-seven and Fifty Cents (\$7,277.50) Dollars, and as the funds of the County are barely adequate to meet this demand at the present time; therefore Be it resolved by the American Citizen Labor Union that the Legislature of the Territory of Hawaii be respectfully requested to appropriate the above sum for the purpose of purchasing this valuable property which is required for the Water-shed for the City of Hilo, County and Territory of Hawaii.

Be it further resolved that the Commissioner of Public Lands and the Governor of the Territory of Hawaii be respectfully requested to use their utmost influence upon the members of the Legislature to pass the aforesaid appropriation, and that a copy of this resolution be forwarded to the Governor, the Commissioner of Public Lands, the President of the Senate and the Speaker of the House of Representatives.

(Signed)

J. K. PAAHAO.

Dated at Hilo, Hawaii,  
April 7th, 1911.

I hereby certify that the above is a true  
and correct copy adopted by the Labor  
Union on April 7th, 1911.

JNO. A. KEALOHA

(SEAL)

Secretary, A. C. L. U.

Per C. B.

#### RESOLUTION.

Whereas House Bill No. 66 is now pending before the Senate of the Territory of Hawaii for its passage, providing for the election of a supervisor-at-large and three supervisors for East and West Hawaii; and

Whereas that it is the general feeling among the people of this County to oppose such proposed change effecting the present form of government; and

Whereas that the Honorable Senator R. H. Makekau is still insisting upon a change by moving all supervisors elected-at-

large, which action is contrary to the wishes of the public of this County.

Be it resolved by the members of this Labor Union that they do hereby vigorously oppose the action taken by the Senator from Hawaii, and the Union still opposes any attempt on the part of the Honorable Senator to change the present form of County Government.

Be it further resolved that a copy of this resolution be forwarded to the President of the Senate and the Speaker of the House of Representatives, and to the members from the First Senatorial District, County and Territory of Hawaii.

(Signed)

C. B. MAKANUI.

Dated at Hilo, Hawaii,  
April 7th, 1911.

I hereby certify that the above is a true  
copy adopted by the Labor Union on  
April 7th, 1911.

JNO. A. KEALOHA, (SEAL)  
Secretary, A. C. L. Union.

The Communication was received and placed on file, and the Resolutions were referred to a Special Committee consisting of the Senators from Hawaii.

A Communication (No. 210) from the House of Representatives, transmitting House Bill No. 10, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:--

I have the honor to transmit herewith House Bill No. 10, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 10, entitled "An Act to Fix the Minimum Wages for Laborers Employed in the Construction or Repairing of Roads, Streets or Bridges, Water Works, or Other Works of the City and County of Honolulu, or Any Political Subdivision Thereof."

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Bill was tabled.

A Communication (No. 211) from the House of Representatives, transmitting House Bill No. 29, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 29, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 29, entitled "An Act to Amend Section 1793 of Chapter 119 of the Revised Laws of Hawaii, as Amended by Section 1 of Act 38 of the Session Laws of 1907."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 212) from the House of Representatives, transmitting House Bill No. 175, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 175,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 175, entitled "An Act to Provide for the Sale by Common Carriers of Unclaimed Articles and for the Disposition of the Proceeds of Such Sale."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator Judd presented a Report (No. 250) from the Judiciary Committee, recommending the passage of Senate Bill No. 122, as follows:

#### REPORT ON SENATE BILL NO. 122.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 122, Relating to abatement of nuisances, amending Sections 994, 995, 997 and 1000 of the Revised Laws, adding a new section thereto to be known as Section 995A, and repealing Sections 996, 1001 and 1002, begs leave to report as follows:

Sections 994, 995, 996, 997 of the Revised Laws have been on our statute books for a period of 42 years, being parts of the Penal Code of 1869, and while the provisions thereof may have been very satisfactory, and amply sufficient when they were passed, the time has come when those laws should be changed so as to meet the requirements of the present day and generation. Conditions today are different in Honolulu, and in the Territory than they were in 1869, and the laws which were sufficient then do not meet the needs of today. The amendments which have been made to the present statute give the Board of Health no greater degree of power, but they do enlarge the scope of the Board, but the bill is intended to and does give greater elasticity to the powers which are given to the Board of Health. The power given to abate, remove, destroy, etc., "waters in which mosquito larvae breed" is especially desirable in view of the large increase in shipping there will be after the opening of the Panama Canal, and the danger from yellow fever, and other disease resulting from the additional shipping. Honolulu, the port of call for trans-

pacific steamers, and the other ports which receive calls from such steamers are as the number of ships coming to the Territory increase subject to more and more danger from disease, and should a disease such as yellow fever ever secure a foothold in one of the ports of the Territory it will sweep the Islands, unless the proper machinery is given the Board of Health to eradicate the agencies which spread disease.

Your Committee has carefully examined this bill, and believes it to be an essential as well as a wise measure for the future. Your Committee therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 12, 1911.

Upon motion by Senator Fairchild, seconded by Senator Baker, the Report of the Committee was adopted; Senate Bill No. 122 passed Second Reading, and was placed on the Calendar for Third Reading on Thursday, April 13, 1911.

Senator Fairchild gave notice of his intention to introduce a Bill entitled "An Act to Facilitate the Marketing of Fruits and Vegetables Grown in the Territory of Hawaii."

Under suspension of the rules, Senator Fairchild introduced Senate Bill No. 133, entitled "An Act to Facilitate the Marketing of Fruits and Vegetables Grown in the Territory of Hawaii."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 12:05 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FORTY-NINTH DAY.

Thursday, April 13, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Forty-eighth Day was read and approved.

A Communication (No. 54) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 74 and 100, and Senate Bills Nos. 79 and 17, was read by the Clerk as follows:

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 12, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 74, as Act 84, entitled "An Act to Amend Sections 1680, 1681, 1684 and 1886, and Repeal Sections 1682, 1685, 1686 and 1687 of the Revised Laws of Hawaii, Relating to Supreme and Circuit Court Clerks;"

House Bill No. 100, as Act 85, entitled "An Act to Encourage the Production of Grapes for Certain Purposes;"

Senate Bill No. 79, as Act 86, entitled "An Act to Amend Section 1335 of the Revised Laws of Hawaii, as Amended by Act 90 of the Session Laws of 1907, Relating to Licenses;"

Senate Bill No. 17, as Act 87, entitled "An Act to Amend Section 28 of Act 39 of the Session Laws of 1905, Entitled 'An Act Creating Countles Within the Territory of Hawaii and Providing for the Government Thereof as Amended.'"

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.



The Communication was received and placed on file.

A Communication (No. 213) from the House of Representatives, notifying the Senate of its non-concurrence in the amendment made to House Bill No. 219, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the Senate amendment to House Bill No. 219, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Affonso, Rice and Mahoe.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 214) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 237, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 237 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 215) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 170, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 170 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 216) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 2, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the Senate amendments to House Bill No. 2, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Williamson, Correa and Cooke.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

At this juncture, and with the unanimous consent of the Senate, Senator Makekau introduced a Petition (No. 7) from Homesteaders at Hakalau, Hawaii, praying for relief, as follows:

To the Honorable Members  
of the Legislature of Hawaii.

Gentlemen:—

WHEREAS, we, the undersigned, Homesteaders, citizens, and tax payers of Kaiwiki III, Hakalau, Hawaii, Territory of Hawaii, have complied with and substantially performed all the conditions and requirements under the Right of Purchase Lease, and Cash Freeholds of the Land Laws of the Territory of Hawaii; and

WHEREAS, we, having paid the full amount of the purchase price for our lots to the Commissioner of Public Lands, Mr. Marston Campbell; and

WHEREAS, though over six months have passed since we paid for and proved up on our homesteads; and

WHEREAS, no land patents have yet been granted us;

THEREFORE, we hereby request and petition your Honorable Body to investigate and find out why our patents are being delayed.

(Signed by 26 Petitioners.)

Signed this 8th day of April, 1911.

The Petition was referred to a Select Committee composed of the Senators from Hawaii.

With the unanimous consent of the Senate, Senator Chillingworth at this juncture introduced a Petition (No. 8) from residents of Waianae, praying for an appropriation for homestead roads, as follows:

To the Senate  
of the Territory of Hawaii,  
Session of 1911.

Greeting:—

We, the undersigned residents, tax payers and homesteaders, particularly of the Lualualei-Kai homesteads, of the District of Waianae, Island of Oahu, respectfully represent that the road to and from our places of residence and homesteads, not the homestead roads, is in such a condition that we are unable, decently, to go to and from them, and it is our desire that the

same be made, as soon as can be possible, passable to all.

And further more, we petition your Honorable Body that sufficient appropriation be made, say about \$10,000 for the said road, and that further, in addition thereto the sum of \$10,000 be set apart for two bridges on said road crossing (1) the Ulehewa stream and (2) the Maipalaoa stream.

And your petitioners will ever respectfully pray.

(Signed by 39 Petitioners.)

The Petition was referred to the Committee on Public Lands and Internal Improvements.

Senator J. T. Brown presented a Report (No. 251) from the Printing Committee, stating that Senate Bills Nos. 130, 131, 132 and 133 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 130, entitled "An Act to Amend Section 988 and Section 991, as Amended by Act 42 of the Revised Laws of 1905, of the Revised Laws, and to Add a New Section Thereto to be Known as Section 992A, Relating to the Board of Health."

Senator Judd moved to amend the Bill by inserting the word "or" after the word "into" in line 17 of Section 2; seconded by Senator Chillingworth, and carried.

Senator Chillingworth moved to further amend the Bill by striking out the word "when" and insert in lieu thereof the word "where" in line 19 of Section 2; seconded by Senator Judd, and carried.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Bill passed Second Reading as amended, and was placed on the Calendar for Third Reading on Friday, April 14, 1911.

Second Reading of Senate Bill No. 131, entitled "An Act to Amend Sections 1004, 1005 and 1006, Chapter 80, of the Revised Laws, and Adding a New Section Thereto to be Known as Section 1005A, Relating to Infectious Diseases."

Upon motion by Senator Pali, seconded by Senator Chillingworth, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 14, 1911.

Second Reading of Senate Bill No. 132, entitled "An Act to Prevent Tuberculosis and the Spread Thereof."

Senator Quinn moved to amend the Bill by inserting in line 2 of Section 2 the word "sidewalk" after the words "street car"; seconded by Senator Chillingworth, and carried.

Upon motion by Senator Chillingworth, seconded by Senator Hewitt, the Bill passed Second Reading as amended, and was placed on the Calendar for Third Reading on Friday, April 14, 1911.

Second Reading of Senate Bill No. 133, entitled "An Act to Facilitate the Marketing of Fruits and Vegetables Grown in the Territory of Hawaii."

Upon motion by Senator Fairchild, seconded by Senator Kaleiopu, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 14, 1911.

At this juncture a Message (No. 7) from the Governor was received and read as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber.  
Honolulu, April 13, 1911.

To the Legislature:

In my first message I called your attention to the provision in Section 55 of the Organic Act that, "the Legislature, after its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership of the Senate and House of Representatives among the Senatorial and Representative Districts on the basis of the population in each of said Districts who are citizens of the Territory."

It will be noticed that the reapportionment is required to be made on the basis, not of the population nor of the voters, but of citizens.

The Director of the Census has expedited the tabulation of the census returns according to citizenship with a view to having them completed in time for the Legislature to act in this matter at the present session. The results have now been received, and I submit herewith a compilation from them according to citizenship and Senatorial and Representative Districts.

WALTER F. FREAR,  
Governor of Hawaii.

POPULATION OF HAWAII BY CITIZENSHIP AND ELECTION DISTRICTS.

	Second		Fourth		***		First Rep.		Second		**	
	First Senatorial District.	Third Senatorial Rep. Dist.	Fourth Senatorial District.	Third Senatorial District.	Senatorial Sixth Rep. Dist.	Territory.	District.	District.	Rep. District.	District.	Fourth Rep. District.	** Fifth Rep. District.
Citizens:												
Native Born .....	27,227	16,075	44,312	44,312	10,508	98,122	17,383	9,844	20,670	23,642		
Naturalized .....	752	433	2,313	2,313	445	3,943	618	134	1,438	875		
Total Citizens ..	27,979	16,508	46,625	46,625	10,953	102,065	18,001	9,978	22,108	24,517		
First Papers .....	185	37	334	334	31	587	153	32	137	197		
Aliens .....	26,288	13,585	32,825	32,825	12,574	85,272	19,567	6,721	9,320	23,505		
Unknown* .....	930	417	2,209	2,209	394	3,950	743	187	1,067	1,142		
	55,382	30,547	81,993	81,993	23,952	191,874	38,464	16,918	32,632	49,361		

\* The "Unknown" are probably mostly aliens.

\*\* Three enumeration districts were partly in the Fourth and partly in the Fifth Representative District, and the figures for these could be apportioned only approximately, but such inaccuracies as might occur from this would not make any difference in the result.

\*\*\* Midway Island is omitted. It has 6 native born and 4 naturalized citizens, 7 who have taken out their first papers, and 18 aliens. The question whether that is a part of the Territory of Hawaii is not settled.

Since there are 102,065 citizens, and 15 Senators and 30 Representatives, there would be, on a reapportionment, one Senator to 6,804 citizens and one Representative to 3,402 citizens. The result would be as follows:

SENATORIAL DISTRICTS.				REPRESENTATIVE DISTRICTS.			
No. Dist.	No. Citizens.	No. Senators.		No. Dist.	No. Citizens.	No. Representatives.	
First .....	27,979	4.11	4	First .....	18,000	5.29	5
Second .....	16,508	2.43	2	Second .....	9,978	2.93	3
Third .....	46,625	6.85	7	Third .....	16,508	4.85	5
Fourth .....	10,953	1.61	2	Fourth .....	22,108	6.50	7
				Fifth .....	24,517	7.21	7
				Sixth .....	10,953	3.22	3
	102,065	15.00	15		102,065	30.00	30

The Message was referred to the Printing Committee.

A Communication (No. 36) from Mr. H. P. Wood, Secretary of the Chamber of Commerce, enclosing copy of a Resolution relating to measures affecting the Board of Health, was read by the Clerk as follows:

Honolulu, Hawaii, April 13, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Dear Sir:—

Herewith enclosed find copy of a resolution passed at the meeting of the Board of Trustees of the Honolulu Chamber of Commerce held yesterday, April 12th, 1911.

Respectfully yours,

H. P. WOOD,  
Secretary.

“WHEREAS, The need of conserving the public health requires that supreme control of sanitary matters be placed under one body, with authority to enforce laws, rules and regulations rendered necessary by local conditions;

THEREFORE BE IT RESOLVED, That the Honolulu Chamber of Commerce, now in special meeting, request the Legislature of the Territory of Hawaii, now in Session, to at once pass an act, with amendments, now before it, placing poi shops and other sources of food supply, as well as all sanitary matters, including garbage and excavator services, under the control of the Board of Health of the Territory, and that early action be taken by the Legislature to enact into law the various bills and appropriations now pending before it submitted by the administration,

AND BE IT FURTHER RESOLVED, That duly attested copies of this resolution be forwarded to the Governor of the Territory of Hawaii, the President of the Senate, the Speaker of the House and the President of the Board of Health."

I hereby certify that the foregoing is a true and correct copy of a resolution adopted unanimously at a meeting of the Board of Trustees of the Honolulu Chamber of Commerce held Wednesday, April 12th, 1911.

H. P. WOOD,  
Secretary.

The Communication was received and placed on file.

Third Reading of Senate Bill No. 122, entitled "An Act Relating to Abatement of Nuisances, Amending Sections 994, 995, 997 and 1000 of the Revised Laws, Adding a New Section Thereto to be Known as Section 995A, and Repealing Sections 996, 1001 and 1002."

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Makekau.

Third Reading of Senate Bill No. 126, entitled "An Act Authorizing and Directing the Superintendent of Public Works to Acquire Certain Water Rights and Lands in Pauoa Valley, City and County of Honolulu."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Fairchild, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of Senate Bill No. 128, entitled "An Act Providing for the Sale of Real Estate by Executors and Administrators, Amending Section 1855 of the Revised Laws of Hawaii, and Adding to Said Revised Laws Two New Sections to be Known as Sections 1855A and 1855B."

Upon motion by Senator Judd, seconded by Senator Chilling-



worth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 31, entitled "An Act to Provide for Nominations by Direct Vote."

Upon motion by Senator Fairchild, seconded by Senator Makekau, the Bill was tabled.

At 12:01 o'clock P. M., the Senate stood in recess until 2:00 o'clock P. M.

### AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

Immediately upon convening, the Chair appointed Senators C. Brown, Kaleiopu and Robinson Senate Conferees on House Bill No. 219, and Senators Quinn, Hewitt and Kalama Senate Conferees on House Bill No. 2.

Third Reading of House Bill No. 145, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii."

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Excused: Senator Quinn.

A Communication (No. 217) from the House of Representatives, returning Senate Bill No. 113, was read by the Clerk as follows:

### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 113,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 218) from the House of Representatives, returning Senate Bill No. 90, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 90, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 219) from the House of Representatives, returning Senate Bill No. 44, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 44,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 220) from the House of Representatives, returning Senate Bill No. 56 with one amendment, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 56, which this passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendment:

In line 1 of Section 1, after the word "Laws" insert the words "of Hawaii."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the amendment to Senate Bill No. 56 was concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: Senator C. Brown.

A Communication (No. 221) from the House of Representatives, returning Senate Bill No. 92 with certain amendments, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 92, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Insert the words "of Hawaii" after the word "Laws" in the title of said Bill.

In line 1 of Section 1, insert the words "of Hawaii" after the word "Laws."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Hewitt, the amendments to Senate Bill No. 92 were concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopū, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: Senator C. Brown.

A Communication (No. 222) from the House of Representatives, returning Senate Bill No. 93 with certain amendments, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 93, which this day passed Third Reading in the House of Repre-

sentatives of the Territory of Hawaii with the following amendments:

In line 1 of the title of said Bill, after the word "Laws" insert the words "of Hawaii;" and in line 2 thereof, before the word "Laws" insert the word "Session."

In line 1 of Section 1, after the word "Laws" insert the words "of Hawaii," and in line 2 of said Section, before the word "Laws" insert the word "Session."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Fairchild, the amendments to Senate Bill No. 93 were concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: Senator C. Brown.

Absent and not voting: Senator Chillingworth.

A Communication (No. 223) from the House of Representatives, returning Senate Bill No. 94 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 94, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 1 of the title of said Bill, before the word "Laws" insert the word "Session."

In line 1 of Section 1, before the word "Laws" insert the word "Session."

Strike out the figure and letter "4C" in lines 3 and 4 of

Section 3, and insert in lieu thereof the figure and letter "48;" and renumber said Section 3 as "Section 2."

Renumber Section 4 as "Section 3."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Hewitt, the amendments to Senate Bill No. 94 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

A Communication (No. 224) from the House of Representatives, returning Senate Bill No. 95 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 95, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Insert the word "Session" before the word "Laws" in the title of said Bill.

In line 1 of Section 1, insert the word "Session" before the word "Laws."

Strike out all of Section 2.

Renumber Section 3, "Section 2."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Fairchild, the amendments to Senate Bill No. 95 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

A Communication (No. 225) from the House of Representatives, transmitting House Bill No. 176, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 176, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 176, entitled "An Act to Provide for Payment to Employees, Servants and Workmen and Other Persons Injured While Actually Engaged in Work or the Performance of Their Duty for the Territory of Hawaii, or for Any Political Subdivision Thereof."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 226) from the House of Representatives, transmitting House Bill No. 197, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith House Bill No. 197, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 197, entitled "An Act to Provide Homesteads with Buildings Thereon for Patients Discharged from the Kalihi Receiving Station or the Molokai Leper Settlement."

The Bill passed First Reading by Title and was referred to the Committee on Public Health.

A Communication (No. 227) from the House of Representatives, transmitting House Bill No. 191, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 191, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.



The Communication was received and placed on file.

First Reading of House Bill No. 191, entitled "An Act to Amend Section 2161 of the Revised Laws of Hawaii, Relating to Notices of Foreclosure of Mortgages Under Power of Sale."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 228) from the House of Representatives, transmitting House Bill No. 238, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 238, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 238, entitled "An Act to License and Regulate Billboards and Out-of-Door Advertising."

The Bill passed First Reading by Title and was referred to the Committee on Manufactures, Forestry and Promotion.

A Communication (No. 229) from the House of Representatives, transmitting House Bill No. 249, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 249,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

**EDWARD WOODWARD,**  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 249, entitled "An Act to Appropriate and Provide for the Purchase and Acquisition of the Right, Title and Interest Held by the Kapiolani Estate, Limited, in and to the Lease, on Certain Lands Situate on the Slopes of Punchbowl, Auwaiolimu, in the City of Honolulu."

The Bill passed First Reading by Title and was referred to a Special Committee consisting of the Senators from Oahu.

A Communication (No. 230) from the House of Representatives, transmitting House Bill No. 252, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 12, 1911.

**The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.**

Gentlemen:—

I have the honor to transmit herewith House Bill No. 252, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

**EDWARD WOODWARD,**  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 252, entitled "An Act Relating to the Militia, Adding Four New Sections to the Revised Laws, to be Known as Sections 162A, 162B, 162C and 162D."

The Bill passed First Reading by Title and was placed on the Calendar for Second Reading on Friday, April 14, 1911.

Senator Judd presented a Report (No. 252) from the Judi-

ciary Committee, recommending the passage of Senate Bill No. 121, as follows:

**REPORT ON SENATE BILL NO. 121.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 121, To Repeal Chapters 46 and 47 of the Revised Laws of Hawaii, Relating to Water Works at Wailuku, Kahului and North Kohala, begs leave to report as follows:

By Act 100 of the Session Laws of 1909, the power is given to the Counties to establish and maintain water works. This matter now being entirely a county matter it is only proper that the jurisdiction of the Superintendent of Public Works over these water works should be taken away. Upon investigation your Committee finds that there are no water works now at North Kohala, and that the water works at Kahului and Wailuku were constructed with funds from the general revenues, and not from any of the Territorial Bond moneys.

In view of the above your Committee recommends the passage of this bill.

Respectfully submitted,

**JUDICIARY COMMITTEE,**

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 13, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Report of the Committee was adopted.

Third Reading of Senate Bill No. 121, entitled "An Act to Repeal Chapters 46 and 47 of the Revised Laws, Relating to Water Works at Wailuku, Kahului and North Kohala."

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Quinn.

Senator Judd presented a Report (No. 253) from the Judiciary Committee, recommending the passage of Senate Bill No. 105 with certain amendments, as follows:

REPORT ON SENATE BILL NO. 105.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 105, to Amend Section 1 of Act 102 of the Session Laws of 1905, as amended by Section 1 of Act 147 of the Session Laws of 1909, Relating to Inheritance Tax, begs leave to report as follows:

The only change in the present law made by this bill is to raise the exemption from the inheritance tax from \$5,000 to \$20,000. Upon investigation your Committee finds that in 13 of the States of the United States, the Exemption is set at \$10,000, and in only two states is it set at \$20,000. After careful consideration of this bill your Committee is of the opinion that to set the exemption at \$20,000 is too high, and is of the opinion that the exemption should be set at \$10,000.

Your Committee therefore recommends that the words "TWENTY THOUSAND DOLLARS" wherever they occur in this bill be stricken out, and that there be inserted in lieu thereof in each instance the words "TEN THOUSAND DOLLARS."

Your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 13, 1911.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted; Senate Bill No. 105 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Friday, April 14, 1911.

Senator Judd presented a Report (No. 254) from the Judiciary Committee, recommending the passage of Senate Bill No. 129 with one amendment, as follows:

**REPORT ON SENATE BILL NO. 129.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 129, to Amend Chapter 147 of the Revised Laws of Hawaii by adding thereto a new section to be known as Section 2284A and to repeal Section 2 of Act 43 of the Session Laws of 1905, relating to the Widow's Election of Dower, begs leave to report as follows:

Senate Bill No. 104 covering the same subject matter was tabled on the recommendation of this Committee, for reasons stated in its report.

Your Committee recommends that this bill be amended by adding thereto after the word "shall" in line 5 of Section 1 (line 3 of Section 2284A) the word "immediately."

Your Committee is of the opinion that under this bill as amended the interests of the widow will be very well protected, and at the same time the machinery is provided whereby the election of the widow may be ascertained before the time when it is incumbent upon the executor to pay the debts and distribute the estate. Your Committee is of the opinion that this bill is a great improvement over the present law.

In view of the above your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

April 13, 1911.

Committee.

Upon motion by Senator Fairchild, seconded by Senator Pali, the Report of the Committee was adopted; Senate Bill No. 129 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Friday, April 14, 1911.

Senator Judd presented a Report (No. 255) from the Judiciary Committee, recommending the passage of House Bill No. 175, as follows:

## REPORT ON HOUSE BILL NO. 175.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 175, to provide for the sale by Common Carriers of unclaimed articles, and for the disposition of the proceeds of such sale, begs leave to report as follows:

The purposes of this bill are indicated in the title thereof. The power given to Common Carriers to sell unclaimed articles is hedged about with safeguards which it is believed will prevent the abuse of this power. Articles cannot be sold until they have been in the possession of the Common Carrier for six months, provision is made for notice of the sale, proceeds of the sale are to be paid to the owner of the article at any time within five years after the sale, and thereafter such proceeds shall escheat to the Government. The Common Carriers receive no money from these sales, but they are relieved of the necessity of keeping these articles for an indefinite time. The bill is drawn on the lines of similar statutes in Maine and Connecticut, both common law states, and will therefore not be inconsistent with our system of law. This bill has the endorsement of the Common Carriers in this Territory.

Your Committee believes this to be a wise measure, and therefore recommends the passage of the bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 13, 1911.

Upon motion by Senator Hewitt, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 175 passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 14, 1911.

Senator Judd presented a Report (No. 256) from the Judiciary Committee, recommending the passage of House Bill No. 246, as follows:

## REPORT ON HOUSE BILL NO. 246.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 246, To Regulate the Storage of Explosives, begs leave to report as follows:

Senate Bill No. 93, which has passed the Senate, and is now in the House, seeks to repeal Chapters 75, 76 and 77 of the Revised Laws of Hawaii. These Chapters relate to the storage etc., of gunpowder, liquid explosives and the testing, storage, etc., of kerosene. Senate Bills Nos. 94 and 95 by Section 2, seek to put these matters into the hands of the County and City and County Governments, they being considered purely local matters. These bills passed the Senate, and are now in the House. The Health Committee of the House has recommended that Section 2 of Senate Bills Nos. 94 and 95 be stricken out, recommending the passage of the other sections of these bills. The Health Committee introduced in place of and as a substitute for these sections 2, House Bill No. 246. This bill seeks to establish a standard requirement regulating the storage of explosives in the Territory, and provides that the law shall be enforced by the Counties and City and County within their respective jurisdictions. This bill has the approval of the Fire Underwriters and the business men generally. It is in much detail, and thoroughly covers the ground. It has the great advantage of making the various requirements the same in all parts of the Territory at the same time leaving the minor details, and the matter of the actual enforcement of the law in the hands of the County and City and County officers, where it should belong, it being a purely local matter. Since Senate Bill No. 93 taking these matters out of the hands of the Superintendent of Public Works will undoubtedly pass the House it is essential that some measure pass placing the jurisdiction over these matters in the hands of the County and City and County officers. and since this bill covers the ground very thoroughly and is believed by your Committee to be satisfactory in every respect, your Committee is of the opinion that it should pass.

In view of the above your Committee recommends the passage of House Bill No. 246.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 13, 1911.

Upon motion by Senator Judd, seconded by Senator Baker, consideration of the Bill on Second Reading was deferred until Saturday, April 15, 1911.

A Communication (No. 231) from the House of Representatives, returning Senate Bill No. 29, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 29, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD, •  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 232) from the House of Representatives, returning Senate Bill No. 89 with certain amendments, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 89, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 6 of Section 1, after the word "located" insert the words "a license."



After Section 2, insert two new sections, to read as follows:

"Section 3. The annual fee for such license shall be the sum of Ten Dollars."

"Section 4. Nothing in this Act contained shall be construed to include the manufacture and sale of poi or paiai."

Renumber Section 3 as "Section 5."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Makekau, seconded by Senator Pali, the amendments to Senate Bill No. 89 were concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Hewitt, Kaleiopu, Makekau, Pali, Quinn, and Robinson. Total, 9.

Noes: Senators C. Brown, Judd, Kalama, and President Knudsen. Total, 4.

Absent and not voting: Senator Fairchild.

Senator Judd presented a Report (No. 257) from the Judiciary Committee, recommending the tabling of House Joint Resolution No. 7, as follows:

#### REPORT ON HOUSE JOINT RESOLUTION NO. 7.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Joint Resolution No. 7, Requesting the appointment of a Committee to inquire into the methods and policy followed by the Administration in the disposition of Public Lands, begs leave to report as follows:

After a careful investigation your Committee finds that there are a number of legal objections to this Resolution. The resolution provides for a Committee composed of five persons, four members of the Legislature, and one outside person. A legislative committee cannot be so composed, since it must be composed entirely of members of the Legislature. Bouvier's Law Dictionary, Committee, in Legislation. The resolution is also objectionable on the ground that it is in conflict with Sections 16 and 17 of the Organic Act, providing that no member of the Legislature shall hold public office. A still further objection is that the Committee shall report by January 1, 1913,

and two of the Representatives and one of the Senators composing the Committee will not be in office on January 1, 1913, their terms expiring November, 1912, and will therefore on January 1, 1913, not be members of the Committee. On the other hand if it is a Board rather than a Committee, the provision for the appointment of the members is contrary to Section 80 of the Organic Act.

Your Committee further is of the conviction that it is unwise to recommend favorably a measure which will put large and grave responsibilities on a committee or commission, such as those outlined in the resolution, without giving the Committee a corresponding power to fulfill those duties. No inquisitorial powers are sought to be given by this resolution and the result of passing the resolution can only be to have an investigation made by the committee or commission which will be only superficial.

Your Committee further sees no reason why the resolution should single out one common carrier by sea to be investigated, and not have the duty given the committee or commission of investigating all common carriers.

For the reasons above stated your Committee recommends that the resolution be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,

I do not concur

R. H. MAKEKAU,  
Committee.

April 13, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Hewitt, consideration of the Resolution was deferred until Saturday, April 15, 1911.

A Communication (No. 55) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bill No. 18, was read by the Clerk as follows:

## SENATE JOURNAL.

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 13, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed Senate Bill No. 18, as Act 88, entitled "An Act to Provide for the Maintenance of the Public Schools."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 233) from the House of Representatives, returning Senate Bill No. 116, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 116, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 234) from the House of Representatives, transmitting House Bill No. 253, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 253, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 253, entitled "An Act to Amend Section 3 and to Repeal Section 7, Chapter 2 of Act 39 of the Session Laws of 1905, Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof."

The Bill passed First Reading after being read throughout, and was placed on the Calendar for Second Reading on Friday, April 14, 1911.

At 3:30 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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FIFTIETH DAY.

Friday, April 14, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Forty-ninth Day was read and approved.  
A Communication (No. 235) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 184, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 184 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
A Communication (No. 236) from the House of Representatives, transmitting House Bill No. 229, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 229, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 229, entitled "An Act to Prohibit Trespassing Upon the Right of Way of Railroads Within the Territory of Hawaii."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 237) from the House of Representatives, transmitting House Bill No. 235, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 235, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 235, entitled "An Act for the Relief of Captain A. N. Tripp."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

At 10:26 o'clock A. M., a Message (No. 8) from the Governor, vetoing Senate Bill No. 99, was received and read by the Clerk as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber.

Honolulu, April 14, 1911.

To the Legislature:

I return herewith, without my approval, Senate Bill No. 99, entitled "An Act to Authorize the Reduction of Capital Stock of Corporations and Joint Stock Companies."

The object of this bill is to authorize reductions in both the capital and the capital stock of corporations, but it is at least doubtful whether it accomplishes these purposes. The bill is objectionable also because of its uncertainty and because it contains a provision that might operate unfairly to minority share-holders.

"Capital" and "capital stock" are often confused, each being used in the sense of the other or in both senses, but when properly used they signify different things. One is actual property; the other, merely a nominal representation of it.

In the first two paragraphs of the present bill the words "capital stock" seem to be used in their more appropriate sense, while in the third paragraph the word "capital" seems to be used interchangeably in both senses. It is only the first paragraph that purports to grant the authority desired; and that, in conformity with the title of this Act, purports to grant authority only to reduce the capital stock. If the capital also may be reduced, it is only by uncertain inference from the language of the Act or as a legal corollary to the reduction of the capital stock irrespective of the language of the Act. The Act is too uncertain to justify placing it upon the statute books. One of its objects is to remove uncertainties in the present law; it should not add other uncertainties. Legislation upon an important branch of corporation law should be clear.

Moreover, the Act provides that in case of a reduction by surrender or retirement of outstanding stock, the share-holders shall be entitled to participate pro rata "unless the resolution authorizing the reduction shall otherwise provide." Either this provision would be unconstitutional, as injuriously affecting vested rights or contract obligations, or else it would permit three-fourths of the share-holders to take an unfair advantage of the remaining fourth, contrary to established salutary principles of corporation law.

The desired ends can easily be attained by the enactment of another Act.

WALTER F. FREAR,  
Governor of Hawaii.

#### AN ACT

#### TO AUTHORIZE THE REDUCTION OF CAPITAL STOCK OF CORPORATIONS AND JOINT STOCK COMPANIES.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. Any Corporation or joint stock company, upon complying with the requirements of this Act, may, by vote of

not less than three-fourths of all the shares of stock, or if two or more classes of stock have been issued, of three-fourths of each class of stock outstanding and entitled to vote at any meeting heretofore or hereafter duly called and held for the purpose, effect a reduction of its capital stock by retiring or reducing any class or number of shares of stock, or by reducing the par value of its stock.

If reduction is to be made by the surrender and retirement of a portion of the outstanding stock, each stock-holder shall, unless the resolution authorizing the reduction shall otherwise provide, be entitled to participate pro rata in the surrender of certificates for cancellation and retirement. If any stockholder shall fail to exercise his option within thirty days after written notice given him by the corporation, the corporation may accept any other shares in lieu thereof.

A sworn certificate shall be signed by the presiding officer and secretary of the meeting and presented to the Treasurer of the Territory setting forth therein the action taken, and certifying that at the time such vote was taken, the Company was not and has not since become indebted in any manner over and above half of the amount of its remaining capital. The Treasurer shall record thereon the date of its receipt in his office and shall publish a notice of the same in some suitable newspaper in Honolulu at least once a week for four successive weeks, the first publication to be not more than ten days after the receipt of said certificate. Upon the expiration of thirty days after the first publication of said notice, if no protest or objection to the proposed reduction of capital shall have been filed with the Treasurer by any person claiming to be a stock-holder or creditor of such corporation, the Treasurer shall enter such decrease of capital of record and the same shall thereupon stand as effected as of the date of the original filing of said certificate. Otherwise the Treasurer shall proceed to consider any object made, and if he shall thereupon be satisfied that the vote certified has been truly taken, and that the corporation was not at the time of filing of said certificate indebted beyond the limit aforesaid, he shall enter such reduction of capital of record in manner aforesaid.

Section 2. This Act shall take effect from the date of its approval.

Aproved this        day of April, A. D. 1911.

.....  
Governor of the Territory of Hawaii.



**THE SENATE OF THE TERRITORY OF HAWAII.**

Honolulu, T. H., March 27, 1911.

We hereby certify that the foregoing Bill this day passed  
Third Reading in the Senate of the Territory of Hawaii.

ERIC A. KNUDSEN,  
President of the Senate.

JOHN H. WISE,  
Clerk of the Senate.

**THE HOUSE OF REPRESENTATIVES OF THE TERRITORY  
OF HAWAII.**

Honolulu, T. H., April 4, 1911.

We hereby certify that the foregoing Bill this day passed  
Third Reading in the House of Representatives of the Terri-  
tory of Hawaii.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Bill failed to pass, thereby sustaining the veto of the Gov-  
ernor, on the following showing of Ayes and Noes:

Ayes: None.

Noes: Senators Baker, C. Brown, J. T. Brown, Chilling-  
worth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau,  
Pali, Quinn, Robinson, and President Knudsen. Total, 14.

A Communication (No. 238) from the House of Representa-  
tives, transmitting House Bill No. 240, was read by the Clerk  
as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 240.

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 240, entitled "An Act Relating to Registration of Voters, Amending Sections 4, 6 and 8 of Act 68 of the Laws of 1911, and Repealing Section 30, and Amending Sections 37, 41, 50, 52 and 53 of the Revised Laws of Hawaii."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 239) from the House of Representatives, transmitting House Bill No. 247, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 13, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 247, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 247, entitled "An Act to Further Provide for the Care and Medical Treatment of Persons afflicted with Leprosy."

The Bill passed First Reading by Title and was referred to the Committee on Public Health.

Senator Chillingworth presented a Report (No. 30) from the Joint Conference Committee on House Bill No. 135, as follows:

House of Representatives,  
Territory of Hawaii,

April 13, 1911.

Hon. E. A. Knudsen,  
President of the Senate, and

Hon. H. L. Holstein,  
Speaker, House of Representatives.

Sirs:—

The Joint Conference Committee appointed for the purpose of examining the Senate Amendments to House Bill No. 135, introduced by Representative E. A. C. Long, entitled "An Act To Provide a Close Season for the Protection of the Hawaiian Fish, Amaama," begs leave to report as follows:

That it has had said bill under careful consideration and recommends that the bill pass as passed by the Senate with the following amendments:

Amend title by striking out the word "Mullet" and insert in lieu thereof "The Fish Known as Amaama."

In line 4 of Section 1, strike out the word "Mullet" and insert in lieu thereof "Amaama."

In line 9 of Section 1, strike out the word "Mullet" and insert in lieu thereof "Amaama."

In line 12 of Section 1, strike out the word "Mullet" and insert in lieu thereof "Amaama."

Add to Section 1 the following:

"The word Amaama as used in this Act shall be construed to include Anae, and all other terms used to designate the various sizes of fish of which Amaama is the common name."

In line 2 of Section 3, strike out the word "Mullet" and insert in lieu thereof "Amaama."

Respectfully submitted,

E. A. C. LONG,  
J. H. CONEY,  
F. K. ARCHER,  
House Conferees.

CHAS. F. CHILLINGWORTH,  
R. H. MAKEKAU,  
ALBERT F. JUDD,  
Senate Conferees.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Senator Judd presented a Resolution (No. 21) providing for the appointment of a Hold-Over Committee on Ways and Means, which was read by the Clerk as follows:

#### RESOLUTION.

**BE IT RESOLVED** by the Senate of the Territory of Hawaii; That a Committee of three be appointed by the President of the Senate from among the Senators, whose terms of office do not expire until the year A. D. 1914, such Committee to be known and styled "The Senate Hold Over Committee on Ways and Means," which Committee shall prepare and submit to the Senate of the Session of 1913 such data and information as may be necessary regarding the financial condition of the Territory as will properly and intelligently guide the Members of the Senate of said Session of 1913 in their deliberations affecting the financial condition of the Territory, the revenues of the Territory, the division of revenue between the Territory and the Counties and the expenditure of appropriations for the use and maintenance of the Territory and of the Counties.

**ALBERT F. JUDD,**  
Senator, 3rd District.

Senate Chamber,  
April 14, A. D. 1911.

The Resolution was adopted.

Senator Judd gave notice of his intention to introduce a Bill entitled "An Act to Provide for Local Improvements Upon Streets, Lanes, Alleys, Places and Courts in the City and County of Honolulu."

Under suspension of the rules, Senator Judd introduced Senate Bill No. 134, entitled "An Act to Provide for Local Improvements Upon Streets, Lanes, Alleys, Places and Courts in the City and County of Honolulu."

The Bill passed First Reading by Title and was referred to the Printing Committee.

Third Reading of Senate Bill No. 105, entitled "An Act to

Amend Section 1 of Act 102 of the Session Laws of 1905, as Amended by Section 1 of Act 147 of the Session Laws of 1909, Relating to Inheritance Tax."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of Senate Bill No. 129, entitled "An Act to Amend Chapter 147 of the Revised Laws of Hawaii, by Adding Thereto a New Section to be Known as Section 2284A, and to Repeal Section 2 of Act 43 of the Session Laws of 1905, Relating to the Widow's Election of Dower."

Upon motion by Senator Kaleiupu, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of Senate Bill No. 130, entitled "An Act to Amend Section 988 and Section 991, as Amended by Act 42 of the Session Laws of 1905, of the Revised Laws, and to Add a New Section Thereto to be Known as Section 992A, Relating to the Board of Health."

Senator Judd moved to amend the Bill in line 7 of Section 2 by inserting after the word "food" the following: "collection and disposition of garbage, refuse and excrement,"; seconded by Senator C. Brown, and carried.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of Senate Bill No. 131, entitled "An Act to Amend Sections 1004, 1005 and 1006, Chapter 80, of the Revised Laws, and Adding a New Section Thereto to be Known as Section 1005A, Relating to Infectious Diseases."

Upon motion by Senator Chillingworth, seconded by Senator Quinn, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Fairchild.

Third Reading of Senate Bill No. 132, entitled "An Act to Prevent Tuberculosis and the Spread Thereof."

Senator Judd moved to amend the Bill by inserting the following new paragraph on page 2 and to be called Section 6:

"Section 6. School Teachers. No person who shall have contracted tuberculosis shall, while afflicted with such disease, be allowed to teach in any public or private school."

Seconded by Senator C. Brown, and carried.

Upon motion by Senator Chillingworth, seconded by Senator C. Brown, the Bill passed Third Reading as amended on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: Senator J. T. Brown.

Third Reading of Senate Bill No. 133, entitled "An Act to Facilitate the Marketing of Fruits and Vegetables Grown in the Territory of Hawaii."

Upon motion by Senator Fairchild, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 175, entitled "An Act to Provide for the Sale by Common Carriers of Unclaimed Articles and for the Disposition of the Proceeds of Such Sale."

Upon motion by Senator Fairchild, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Chillingworth.

Second Reading of House Bill No. 252, entitled "An Act Relating to the Militia, Adding Four New Sections to the Revised Laws, to be Known as Sections 162A, 162B, 162C and 162D."

Senator Judd moved to amend the title of the Bill by inserting the words "of Hawaii" after the word "Laws," and inserting the words "of Hawaii" after the word "Laws" in line 2 of Section 1. Seconded by Senator C. Brown, and carried.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Second Reading as amended, and was placed on the Calendar for Third Reading on Saturday, April 15, 1911.

Second Reading of House Bill No. 253, entitled "An Act to Amend Section 3 and to Repeal Section 7, Chapter 2 of Act 39 of the Session Laws of 1905, Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof."

Upon motion by Senator Robinson, seconded by Senator Makau, the Bill was tabled.

A Communication (No. 56) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 228 and 237, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

**Secretary of Hawaii.**

Honolulu, T. H., April 14, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to notify your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 228, as Act 89, entitled "An Act to Amend Section 1 of Act 42 of the Session Laws of 1903, Relating to Public Loans;"

House Bill No. 237, as Act 90, entitled "An Act to Protect and Safeguard the Interests of Newly Arrived Immigrants Into this Territory."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Senator Judd presented a Report (No. 258) from the Judiciary Committee, recommending the passage of House Bill No. 191, as follows:

**REPORT ON HOUSE BILL NO. 191.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 191, To Amend Section 2161 of the Revised Laws of Hawaii, Relating to Notices of Foreclosure of Mortgages under power of Sale, begs leave to report as follows:

The purpose of this Bill is to do away with the necessity of advertising foreclosures of mortgages in the Hawaiian as well as in the English language. After careful investigation your Committee is of the opinion that this measure is advisable on the ground of the saving in money to the man whose property is being sold. Your Committee is of the opinion that sufficient advertisement is given when the notice is published in the English language.

For the above reasons your Committee recommends the passage of this bill.

Respectfully submitted,

**JUDICIARY COMMITTEE,**

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 14, 1911.

Upon motion by Senator Makekau, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 191 passed Second Reading, and was placed on the Calendar for Third Reading on Saturday, April 15, 1911.

Senator J. T. Brown presented a Report (No. 31) from the Special Committee on House Bill No. 206, recommending the passage of the Bill, as follows:



Honolulu, April 14, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Select Committee consisting of the Hawaii Senators to whom was referred House Bill No. 206 entitled "An Act to Provide for the Erection and Maintenance of Hospitals in the Districts of North Kohala, North and South Kona, Island of Hawaii, by the County of Hawaii," has had the same under careful consideration and begs leave to report as follows:

The Bill seeks to provide the means of having indigent sick as well as people who may be able to pay for medical aid, properly treated and cared for, without expense to the Territory in general. The Committee finds no reasonable objection to the passage of the Bill. The building of hospitals in localities far removed from any establishment which is fully equipped with medical supplies for dispensing to such persons as may apply for medicines and treatment, is considered an advancement towards promoting the health interests of the communities favored with such institutions.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

J. T. BROWN,  
Chairman.  
R. H. MAKEKAU,  
GEO. C. HEWITT,  
DAVID K. BAKER,

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill was tabled.

Senator Robinson gave notice of his intention to introduce the following bills:

1. "An Act to Amend Sections 212, 219, 221, 234, 238, 246 and 247 and Repeal Sections 200, 201, 202, 220 and 230 of the Revised Laws, Relating to the Department of Public Instruction."

2. "An Act to Amend Section 188 of the Revised Laws as Amended by Section 3 of Act 42 of the Session Laws of 1909."

Under suspension of the rules, Senator Robinson introduced Senate Bill No. 135, entitled "An Act to Amend Sections 212,

219, 221, 234, 238, 246 and 247 and Repeal Sections 200, 201, 202, 220 and 230 of the Revised Laws, Relating to the Department of Public Instruction.”

The Bill passed First Reading by Title and was referred to the Printing Committee.

The rules being suspended, Senator Robinson introduced Senate Bill No. 136, entitled “An Act to Amend Section 188 of the Revised Laws as Amended by Section 3 of Act 42 of the Session Laws of 1909.”

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 11:50 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## FIFTY-FIRST DAY.

Saturday, April 15, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Kalama absent.

The Journal of the Fiftieth Day was read and approved.

A Communication (No. 240) from the House of Representatives, notifying the Senate that the Report of the Joint Conference Committee on House Bill No. 135 had been adopted, was read by the Clerk as follows:

### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

report of the Special Joint Conference Committee on House Bill No. 135 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Third Reading of House Bill No. 191, entitled "An Act to Amend Section 2161 of the Revised Laws of Hawaii, Relating to Notices of Foreclosure of Mortgages Under Power of Sale."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Kalama.

Third Reading of House Bill No. 252, entitled "An Act Relating to the Militia, Adding Four New Sections to the Revised Laws of Hawaii, to be Known as Sections 162A, 162B, 162C and 162D."

Upon motion by Senator Pali, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Kalama.

Second Reading of House Bill No. 246, entitled "An Act to Regulate the Storage of Explosives."

Upon motion by Senator Judd, seconded by Senator Makekau, consideration of the Bill was deferred until Tuesday, April 18, 1911.

Senator Judd presented a Report (No. 259) from the Judiciary Committee, recommending the passage of Senate Bill No. 127 with certain amendments, as follows:

## REPORT ON SENATE BILL NO. 127.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 127, Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto, begs leave to report as follows:

This bill seeks to make a number of changes in our law relating to the assessment and collection of taxes throughout the Territory, and are made in the light of past experience which has shown in what particulars the present law could be advantageously amended:

The object of the amendment made by lines 3 and 4, of the printed bill, of Section 1, is to change the date on which taxes are due and payable, from January 31 to January 1. The reason for this change is that it is desired to have taxes always due, and not to have a period of 30 days when taxes are not due and payable.

Section 1, lines 7, 8 and 9 of the printed bill, make the personal, specific, and the first half payment of the property taxes delinquent on May 15th of each year. Under the present law with personal taxes delinquent on March 31, and specific and first half of property taxes delinquent May 15, considerable confusion and unnecessary work is caused in the tax office. By making them all delinquent on the same date will make for efficiency and economy of administration.

Section 1, lines 12 to 16 of the printed bill, lengthen the time within which the tax office may notify the tax payer of the disallowance by it of exemption claimed, or of a raise in tax, and also advance the time within which an appeal by the tax payer may be filed, from May 1 to 15, to April 15 to May 1. Heretofore the date on which specific and the first payment of property taxes became delinquent, and the last day for filing notice of appeal both fell upon the same date. On these last days when the tax office is exceedingly busy with collections, the assessor and his deputies have had to devote a great deal of their time to tax payers who want to take up with them the matter of their assessments. This of course has been to the detriment of their other duties. By making the proposed amendment to this section of the Revised Laws, the tax office will be able to devote the 15 days from May 1 to 15 exclusively to collections. This provision also makes for efficiency and economy of administration.

Section 1, lines 17, 18 and 19 of the printed bill, shortens the time within which the assessment books shall be open from 15 to 10 days. This is a minor matter since the books of the tax

office are always open to the public throughout the year, but it is a convenience to the tax office to have them closed during the last five days before delinquency if they so desire.

Section 1, lines 22 to 24 of the printed bill, change the law to make the tax office legally open during the entire 12 months of the year.

Section 2 and 3. These sections amend the Revised Laws so as to make the requirements as to bonds and oaths of the tax assessor and the deputies the same as in the case of other public officers of the Territory who are required to give bond. This makes for uniformity, and in that view is desirable.

Section 4. The object of the amendment made by this Section is to put the management of the tax office on a more business-like basis.

Section 5. The object of the amendment made by this section is to meet the requirements of today, and to meet the changed condition of affairs today. When the statute of 1905 was drafted all the leading manufactures of automobiles gave the factory weights of the machines they put upon the market. This was the weight of the machine stripped, and ten per cent was then added to this weight to cover the equipment of automobiles. Today none of the factories give the weights of their machines. Numerous efforts have been made to ascertain the weights of different automobiles by inquiring of the factories, but with no success, they being either unable to or refusing to give the weights. It is therefore considered desirable to base the tax upon the actual weight of the automobile.

Section 6. This section repeals Section 1218 of the Revised Laws. This is for the reason that this provision in our statutes has been inoperative and useless, and there is therefore no necessity of keeping it upon our statute books.

Section 7. This amendment by addition to Section 1221 of the Revised Laws providing that failure by the tax payer to make due return of the property owned by him shall be a waiver of his right to any exemption from taxation, is thought to be a very desirable provision since it will force all owners of property to make return thereof to the tax office, and will also materially assist the tax office in their duties.

Section 8. This section of the Revised Laws as amended by this bill provides for the filing of the statement claiming exemption in January, the same time other returns are to be made, instead of in July as at present. The statute is also amended by inserting the approval of the Board of Agriculture and Forestry as a requirement for use of the land and the sale of its product in certain cases.

Section 9. The amendment made by this section is for the purpose of covering all property which has been overlooked.

whether this has been during the current year or during preceding years, and is considered a desirable provision.

Section 10. The amendment made by this section is to change the law to conform to the provisions of Section 1 of this bill, lines 17, 18 and 19 of Section 1 of the printed bill.

Section 11. The amendment made by this section to the present law is to make it conform to Section 1 of this bill, lines 14, 15 and 16 of the printed copy.

Section 12. The amendment made to Section 1249 of the Revised Laws by this section is for the following reason. Under the present law each deputy is required to keep a copy of the list made by him, the intention of the law being only that the country deputies should keep such copies. The deputies in the office in Honolulu do not need these copies. It is further desired to have the lists in by May 1 of each year.

Section 13. The amendment made by this section is to conform to lines 3 and 4 of Section 1 of the printed bill.

Section 14. The amendment to the existing law made by this section is for the purpose of having it conform to the provisions of Section 1, lines 7, 8 and 9 of the printed copy of the bill.

Section 15. This Section seeks to change the rate of interest on delinquent taxes. The rate of interest now charged is ten per cent, and it is believed that 6 per cent is sufficient if interest is to be charged. The section also reduces the penalty from 10 to 5 per cent.

Section 16. This section seeks to make taxes due a perpetual lien upon the property assessed, instead of a lien for 3 years.

Section 17 provides for the sale of real property by way of foreclosure of the tax lien thereon, and is a desirable provision to have on our statute books.

Section 18. The amendment made by this section is for the purpose of keeping the tax office open during the entire year, and to conform to the provisions of Section 1, lines 22 to 24 of the printed bill.

Section 19 refers entirely to the publishing of lists of delinquent tax payers, and changes the date from December 1 to December 31.

Section 20 amends the present law by adding to the list of property which may be seized under the provisions of Section 1271 of the Revised Laws, "property subject to specific taxes."

The foregoing shows the changes which this bill proposes to make to the present law.

After a careful consideration of the provisions of this bill, your Committee recommends the following amendments. The majority of these amendments are only verbal ones, and are for the purpose of inserting at the beginning of each section the

words in the present law indicating the subject matter of each section. This is a practice which your Committee considers desirable.

These amendments are to the typewritten bill:

Section 1, line 4, after the words "Section 1183" insert the word "DATES." Strike out all of lines 31 to 35, beginning with the words "as soon" and ending with "December 31." (Lines 25 to 28 of the printed bill). This provision as to the advertisement of the delinquent list is stricken out for the reason that it is of no practical benefit, and is only an expense to the Government. Further, this list as now published only includes the delinquent tax payers for the preceding year, and does not include the delinquents from other years.

Section 2, line 3, after the words "Section 1186" insert the words "BOND, OATH."

Section 3, line 3, after the words "Section 1188" insert the words "BOND, OATH."

Section 4, line 4, after the words "Section 1195" insert the word "COMPENSATION."

Section 5, line 5, after the words "Section 1203" insert the words "BRAKE, SULKY, OX-CART, AUTOMOBILE, ETC., TAX." Line 22 strike out "to the steering wheel or handle" and insert in lieu thereof the words "upon the license number." This is believed to be a better place to attach the tag provided for in this Section than the steering wheel, where it will be in the way of the driver. Line 42, strike out the first word "to" before the word "be." This word is unnecessary.

Section 8, line 3, after the words "Section 1222" insert the words "FOREST LAND." Line 19, strike out the word "thereon" and in lieu thereof insert the words "on such land." This is only a verbal change, and to make the intent of the section clear.

Section 9, line 3, after the words "Section 1242" insert the words "ADDITION OF UNRETURNED PROPERTY."

Section 10, line 4, after the words "Section 1244" insert the words "TAX LIST OPEN TO PUBLIC."

Section 11 strike out first three lines, and insert in lieu thereof the following:

"Section 11. Section 1245 of the Revised Laws of Hawaii as amended by Section 9 of Act 89 of the Session Laws of 1905, and as further amended by Act 18 of the Session Laws of 1909, is hereby further amended by striking therefrom the words" Reference to the act of 1909 was omitted in the draft of this bill.

Section 12, line 4, after the words "Section 1259" insert the words "DEPUTY ASSESSOR'S LISTS."

Section 13, line 4, after the words "Section 1263" insert the words "WHEN TAXES PAYABLE."

Section 14, line 4, after the words "Section 1264" insert the words "DELINQUENCY."

Section 15, line 4, after the words "Section 1265" insert the word "PENALTY." Line 7, beginning with the words "All delinquent" strike out balance of line, and lines 8, 9, 10 and 11. Add at the end of this section the following:

"If taxes assessed prior to December 31, 1911, remaining unpaid, are paid after January 1, and before June 30, 1912, the tax assessor shall have the power to remit all penalties and interest thereon, and if not so paid no interest shall accrue thereon after June 30, 1912." Your Committee is of the opinion that this provision will result in large collections being made of delinquent taxes. Your Committee is also of the opinion that there should be no interest on delinquent taxes since it mounts up so rapidly that in a short time the amount of the tax is doubled, and this keeps many people from paying taxes which are delinquent who would otherwise be able and willing to pay up.

Section 16. Your Committee is of the opinion that the change from a lien of 3 years to a perpetual lien is inadvisable and undesirable. It sees no reason why the change suggested should be made. It is believed that the expiration of the tax lien in three years, as under the present law would throw upon the tax assessors the duty of enforcing the lien before its expiration, and would be an incentive for them to do so. With a perpetual lien they would have the feeling that the property is always good for it, and that there is no need of getting after the property owner, and enforcing the lien promptly.

Strike out all of Section 16.

Section 17. Renumber this Section—Section 16. Line 3 after the words "Section 1266A" insert the words "SALE OF REAL PROPERTY." In the last line of this section strike out the words "on and."

Section 18. Renumber this Section—Section 17. Line 4 after the words "Section 1267" insert the words "PUBLIC NOTICE, TIME, PLACE OF COLLECTION."

Section 19. Strike out the whole of this section, for the same reason as given for striking out lines 31 to 35 of Section 1.

Section 20. Renumber this Section—Section 18. Line 3 after the words "Section 1271" insert the words "PROCEDURE UPON DISTRESS."

Renumber Section 21, Section 19.

With the amendments which have been made by your Committee it is believed that the bill is in proper form, and that it will accomplish the purposes desired.

After holding hearings upon the bill, and having a full dis-



cussion of the provisions, your Committee is of the opinion that the bill as amended is a wise measure.

In view of the foregoing your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 15, 1911.

Upon motion by Senator Robinson, seconded by Senator Pali, consideration of the Report was deferred until Monday, April 17, 1911.

Senator C. Brown presented a Report (No. 32) from the Special Committee on House Bill No. 249, recommending the passage of the Bill with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 249.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Select Committee of the Oahu Members, to whom was referred House Bill No. 249, to appropriate and provide for the purchase and acquisition of the right, title, and interest held by the Kapiolani Estate, Limited, in and to the lease on certain lands situate on the slopes of Punchbowl, Auwalolimu, in the City of Honolulu, begs leave to report as follows:

The purposes of this bill are indicated by the title, it being purposed to purchase from the Kapiolani Estate, Ltd., all its right, title and interest in and to certain lands in Honolulu. To accomplish the purposes desired your Committee is of the opinion that it will be necessary to make several amendments to this bill. Your Committee therefore recommends the following amendments:

First: Amend the title of the bill by striking out all of the title after the words "An Act" and inserting in lieu thereof the following:

"To Appropriate Twenty Thousand Dollars (\$20,000.00) to facilitate and expedite the granting of certain preference rights."

Second: Strike out all of Sections 1, 2, 3 and 4, and insert in lieu thereof the following:

"Section 1. The sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary, is hereby appropriated from the general revenues of the Territory, to be expended by the Commissioner of Public Lands, with the approval of the Governor, to facilitate and expedite the granting of preference rights on the land of Auwailimu in the City of Honolulu, by the purchase of the right, title and interest of the Kapiolani Estate, Limited, therein, or otherwise."

"Section 2. Any such moneys so expended shall be, as near as may be, repaid to the Territory by the occupants of said land in such proportions and upon such conditions as to the Commissioner of Public Lands, with such approval, shall seem equitable; it being the intent of this Act that the cost of facilitating and expediting the granting of such preference rights shall not finally be borne by the Territory."

Third: That Section 5 be renumbered "Section 3."

With these amendments your Committee is of the opinion that the bill will accomplish the objects desired. As in Act 57 of the laws of 1911, provision is made in this bill for the reimbursement of the Territory for the money expended for these purposes. Your Committee is thoroughly in accord with the idea of facilitating and expediting the granting of preference rights in the lands of Auwailimu.

Your Committee recommends the passage of this bill as amended. A copy of the amended bill is attached to this report.

Respectfully submitted,

SELECT COMMITTEE OF OAHU MEMBERS.

CECIL BROWN,  
Chairman.

E. W. QUINN,  
A. S. KALEIOPU,  
ALBERT F. JUDD,  
Committee.

April 15th, 1911.

#### AN ACT

TO APPROPRIATE TWENTY THOUSAND DOLLARS (\$20,000.00) TO FACILITATE AND EXPEDITE THE GRANTING OF CERTAIN PREFERENCE RIGHTS.

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The sum of Twenty Thousand Dollars (\$20,000.00), or so much thereof as may be necessary, is hereby ap-

propriated from the general revenues of the Territory, to be expended by the Commissioner of Public Lands, with the approval of the Governor, to facilitate and expedite the granting of preference rights on the land of Auwalolimu in the City of Honolulu, by the purchase of the right, title and interest of the Kapiolani Estate, Limited, therein, or otherwise.

Section 2. Any such moneys so expended shall be, as near as may be, repaid to the Territory by the occupants of said land in such proportions and upon such conditions as to the Commissioner of Public Lands, with such approval, shall seem equitable; it being the intent of this Act that the cost of facilitating and expediting the granting of such preference rights shall not finally be borne by the Territory.

Section 3. This Act shall take effect from and after the date of its approval.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 249 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

Second Reading of House Joint Resolution No. 7.

Upon motion by Senator Hewitt, seconded by Senator Baker, the Resolution passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

Senator J. T. Brown presented a Report (No. 260) from the Printing Committee, stating that Senate Bills Nos. 134, 135 and 136 were printed and ready for distribution.

The Report of the Committee was received and placed on file.

At 10:35 o'clock A. M., the Senate resolved itself into a Committee of the Whole for the consideration of Senate Bill No. 134, Senator Pali in the Chair.

At 11:13 o'clock A. M., the Committee rose and presented their Report (No. 33), recommending the passage of the Bill, as follows:

#### SENATE CHAMBER.

April 15, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Your Committee of the Whole to whom was referred Senate Bill No. 134, begs leave to report, that after due consideration, it recommends the Bill pass.

PHILIP PALI,  
Chairman of Committee of the Whole.

The Report of the Committee was adopted; Senate Bill No. 134 passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

Second Reading of Senate Bill No. 135, entitled "An Act to Amend Sections 212, 219, 221, 234, 238, 246 and 247, and Repeal Sections 200, 201, 202, 220 and 230 of the Revised Laws, Relating to the Department of Public Instruction."

Upon motion by Senator Robinson, seconded by Senator Hewitt, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

Second Reading of Senate Bill No. 136, entitled "An Act to Amend Section 188 of the Revised Laws, as Amended by Section 3 of Act 42 of the Session Laws of 1909."

Senator C. Brown moved to amend the Bill by inserting the words "of Act 42" after the words "Section 3" in line 1 of Section 1; seconded by Senator Judd, and carried.

Senator Judd moved to further amend by striking out all of Section 3, and to change the word "lease" to "least" in line 4 of Section 2; seconded by Senator Baker, and carried.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Second Reading as amended, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

Senator J. T. Brown presented a Report (No. 261) from the Printing Committee, stating that the Governor's Message No. 7 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

A Communication (No. 241) from the House of Representatives, returning Senate Bill No. 54 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 54, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend the title to read as follows:

**"An Act to Provide for the Maintenance of Public Parks, and to Repeal Sections 772 and 778 of the Revised Laws of Hawaii."**

Strike out the words "or any National Park" after the words "Kapiolani Park" in line 2 of Section 1, and insert in lieu thereof the following words "and the Makiki Park or Reservation."

Strike out all of Section 3.

Renumber Section 4, "Section 3."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Baker, seconded by Senator Chillingworth, the amendments to Senate Bill No. 54 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Kaleiopu, Judd, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Hewitt and Kalama.

A Communication (No. 242) from the House of Representatives, transmitting House Bill No. 82, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 82, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 82, entitled "An Act Prohibiting the High Sheriff, County Sheriffs and Their Respective Deputies, Police Officers, Judges and District Magistrates from Inducing or in Any Way Influencing Any Person Arrested for or Held in Custody on Suspicion of the Commission of Any Offense, to Plead Guilty or Not Guilty, and Prescribing a Penalty Therefor."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 243) from the House of Representatives, transmitting House Bill No. 259, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES,

Honolulu, T. H., April 14, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 259, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 259, entitled "An Act to Require the Publication of Special Regulations of the Board of Health."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 244) from the House of Representatives, transmitting House Bill No. 201, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 14, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 201, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 201, entitled "An Act Repealing Act 96 of the Session Laws of 1905, Entitled 'An Act Prohibiting Certain Government Officers Practicing Law or Acting as Attorneys or Counsellors at Law, During Their Term of Office.' "

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Second Reading of House Bill No. 160, entitled "An Act to Regulate the Manufacture of Poi for Sale."

Upon motion by Senator Chillingworth, seconded by Senator Pali, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

A Communication (No. 245) from the House of Representatives, notifying the Senate that the House had sustained the Governor's veto of Senate Bill No. 99, was read by the Clerk, as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

veto of the Governor on Senate Bill No. 99 was this day sustained by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 246) from the House of Representatives, returning Senate Bill No. 47 with certain amendments, was read by the Clerk as follows:

# HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 47, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In Section 2, under the head "First Circuit Court," insert the item

"Probation Officer for Girls (\$85.00) .....\$1,020.00"

after the item

"Probation Officer (\$125.00) .....\$1,500.00"

Amend the item

"Support Juvenile Court .....\$1,000.00"

so as to read

"Support Juvenile Court Dependents .....\$1,000.00"

After the item

"Japanese Interpreter (\$125.00) .....\$1,500.00"

insert the items

"Chinese Interpreter (\$125.00) .....\$1,500.00"

"Portuguese Interpreter (\$125.00) .....\$1,500.00"

Under the head "Fourth Circuit Court," amend the item

"Clerk (\$175.00) .....\$2,100.00"

so as to read

"Clerk (\$150.00) .....\$1,800.00"

Amend the item

"Stenographer (\$150.00) .....\$1,800.00"



so as to read

"Stenographer (\$140.00) .....\$1,680.00"

Amend the item

"Assistant Clerk, Interpreter and Messenger (\$125.-  
00) . . . . . \$1,500.00"

so as to read

"Assistant Clerk, Interpreter and Messenger (\$115.-  
00) . . . . . \$1,380.00"

Under the head "Fifth Circuit Court," amend the item

"Law Books .....\$ 100.00"

so as to read

"Law Books .....\$ 250.00"

Amend the item

"Court Expenses .....\$4,000.00"

so as to read

"Court Expenses .....\$5,000.00"

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Pali, consideration of the Bill as amended on Second Reading was deferred until Monday, April 17, 1911.

Senator Judd presented a Report (No. 262) from the Judiciary Committee, recommending the passage of House Bill No. 240 with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 240.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 240, Relating to Registration of Voters amending Sections 4, 6 and 8 of Act 68 of the Laws of 1911, and Repealing Section 30 and amending Sections 37, 41, 50, 52 and 53 of the Revised Laws of Hawaii, begs leave to report as follows:

The purposes of this bill are to make certain changes in Act 68 of the Laws of 1911 to make it conform to the Organic Act, and to make certain other changes, and also to amend the Revised Laws to conform to the provisions of said Act 68.

Section 1. The most important change is to make a provision for the County of Kalawao, it being left out of Act 68, and to include the same in the County of Maui for the purposes of

this Act. It also adds additional provisions for challenges.

Section 2. Change made by this section is to have the law conform to the provisions of the Organic Act with respect to length of residence before registration in any precinct.

Section 3. This section advances the time for closing the county register by twenty-four hours.

Section 4 repeals Section 30 of the Revised Laws for the reason that this section is now unnecessary, and therefore should no longer remain upon our statute books.

Section 5. Strikes certain words from Section 57 of the Revised Laws. This change is necessary to avoid conflict in our statutes.

Section 6. Strikes certain words from Section 41 of the Revised Laws for a like reason.

Section 1. Strikes certain words from Section 50 of the Revised Laws for a like reason.

Amendments to the Revised Laws made by Section 8 and 9 are also necessary in view of the provisions of Act 68 of the laws of 1911.

After a careful consideration of this bill your Committee finds that all of the amendments made therein to the laws of 1911 and to the Revised Laws are desirable, and necessary, and your Committee therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 16, 1911.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 240 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

Senator Judd presented a Report (No. 263) from the Judiciary Committee, recommending the passage of House Bill No. 229 with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 229.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 229, to Prohibit Trespassing upon the rights of way of

railroads within the Territory of Hawaii, begs leave to report as follows:

The purposes of this bill are to protect human life, and to prevent trespassing upon railroads, as well as to protect the railroads from gross carelessness on the part of the public.

While this bill does not follow very closely the statutes of any particular state, it is based upon similar laws in Pennsylvania, New Jersey, New York, and Wisconsin.

Your Committee, after a careful consideration of this bill, recommends the following amendments:

First: Strike the words "ten dollars" in line 3 of Section 2, and insert in lieu thereof the words "Fifty Dollars." This change is made for the reason that your Committee is of the opinion that a ten dollar fine is not sufficient to deter all persons from violating the provisions of this bill.

Second: That after Section 2 there be a new Section 3 inserted reading as follows:

"Section 3. No owner or operator of any railroad shall be liable in damages for the death of or injury to any person arising out of a violation of the provisions of this Act."

This provision is found by your Committee to be necessary to give proper effect to the bill. Without this provision it is considered that the bill would be useless.

Third: That Section 3 be renumbered Section 4, and that this section be amended by inserting after the word "include" in line 2 thereof the following words:

"Temporary or portable steam railroads as well as" Your Committee sees no reason for leaving temporary or portable steam railroads out of the provisions of this bill, your Committee being of the opinion that there is every reason for giving them the same measure of protection that is given to railroads operating upon a permanent right of way, and especially so since in the majority of cases these portable or temporary railroads are operated exclusively upon their own property.

Fourth: That Section 4 be renumbered Section 5, and that the section be amended to read as follows:

"Section 5. A copy of this Act shall be posted in conspicuous places in all railroad stations, and at permanent railroad crossings."

Fifth: That Section 5 be renumbered Section 6.

With these amendments your Committee is of the opinion that the bill is in proper form, and will accomplish the purposes desired.

Your Committee is in accord with the purposes of this bill,  
and therefore recommends the passage of the bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 15, 1911.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Report of the Committee was adopted; House Bill No. 229 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Monday, April 17, 1911.

At this juncture, the Chair appointed Senators Judd, C. Brown and Pali as the Hold-Over Committee on Ways and Means in accordance with the terms of Resolution No. 21.

At 12:00 M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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## FIFTY-SECOND DAY.

Monday, April 17, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing Senator Pali absent.

The Journal of the Fifty-first Day was read and approved.

At 10:07 o'clock A. M., a Message (No. 9) from the Governor vetoing House Bill No. 3, was received and read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber.

Honolulu, April 17, 1911.

To the Legislature:

I return herewith, without my approval, House Bill No. 3, entitled "An Act to Provide for the Construction of Belt Roads."

This bill requires the Territory to pay \$400,000 to the counties for the construction of belt roads. The principal objection to it is lack of funds.

I enclose herewith a revised statement of estimated receipts and expenditures for the present half year and the next biennial period. It shows receipts of \$1,817,280 for the present half year, and \$6,465,721 for the next period, from which must be deducted, as required by law, transfers to special funds and payments to counties of \$911,420 and \$4,829,553 respectively for the two periods, leaving available receipts for general Territorial expenses of \$905,860 and \$1,646,168 respectively, to the former of which there must be added the net cash balance on hand December 31, 1910, of \$753,097.72, and from which there must be deducted the balance of old appropriations amounting to \$805,385.94, less the portion thereof that will remain unexpended on June 30, 1911, estimated at \$57,110.67, leaving \$910,628.45 for the present half year, and \$1,646,168 for the next period, or a total of \$2,556,850.45, available for new appropriations for general Territorial expenses to the end of the next period. Deducting from this the new appropriations already made at the present session, amounting to \$376,468.06, the proposed appropriations, amounting to \$2,042,661, in the general appropriation bill as passed by the Senate, less the cost, \$139,800, of collecting taxes, payable out of special funds; and the interest and sinking fund, amounting to \$98,130, required by the public improvement appropriation bill, as passed by the Senate, in respect of Territorial improvements alone, other than water and sewer works, and assuming that the bonds will be thirty-year bonds and will bear only four per cent interest and that only half of them will be issued the first year—a total of \$2,377,459.06—there remains only \$179,391.39 for all further

appropriations at the present session and all appropriations of the next session for the same biennial period, such as those for the expenses of the Legislature of 1913 and other purposes, and also for the maintenance of the government from July 1, 1913, until the taxes are paid in the following November.

It is obvious that there will be no available funds out of Territorial general revenues for county belt roads.

The bill, of course, was intended to carry out a party pledge, but, in the first place, that pledge was made with reference to an expected surplus which it now appears does not exist. Consequently, the pledge has become impossible of fulfillment. To attempt a fulfillment by taking from funds required for the maintenance of the government would be to commit a greater wrong in order to avoid seeming to commit a lesser one. In the second place, the platform contained a number of pledges calling for funds and since it has proved to be impossible to fulfill all of these, owing to lack of funds, the Legislature has done the best that it could do under the circumstances by giving the preference to those, such as that for public schools, which have the better claim on the revenues. In the third place, finding it impossible to carry out this pledge literally, that is, out of general revenues, the Legislature may more than fulfill it in spirit by providing more amply, as apparently it plans to do, for the same object out of loan funds. Additional sources of revenue also are being given to the counties, which with the natural increase in their present revenues should result in a net increase of at least \$200,000 for the next period.

It should be borne in mind also that the counties found it possible last year to expend out of their present revenues \$721,380.66 for roads alone, or at the rate of nearly one and a half million dollars in a biennial period. To add to that at the expense of the public schools, the public health and like services would be to place luxuries before necessities—to be generous before being just.

It should be borne in mind also that the government must be supported from one tax-paying period to the next and that the surplus consists at most of the net cash balance immediately before and not immediately after the taxes come in. For instance, the net cash balance at the beginning of the present half year was \$753,097.72 but it is only \$413,180.78 now, with yet a month before the next general property taxes have to be paid, and with many of the March bills not yet paid, and that, too, though all specific property and personal taxes have to be paid before the end of March. This consideration is of special importance with reference to the next half year, when there are no specific and personal taxes to tide over the comparatively barren months from July to October and when there will be special need of funds, in view of the proposed

new tax system, for carrying the counties and schools until the increase in taxes takes place next year.

If the bill in question should become law, the Executive would unavoidably be obliged to confine expenditures to the most pressing needs and to curtail even those, and leave unexpended appropriations for some important objects.

The bill makes mandatory the payment of the \$400,000 in two equal instalments just after the next two main collections of taxes, that is, on the first days of June and December next, when the necessary funds will be sure to be in the Treasury. This makes it a first charge upon the revenues of the Territory. If there were to be ample funds, as it was believed there would be, such a gift out of Territorial revenues to the counties might be regarded as an act of magnanimity on the part of the representatives of the Territory, but, under the circumstances as now disclosed, such a gift could not be regarded otherwise than as a raid upon the Territorial treasury by representatives of the counties, regardless of consequences, and would tend to impair the credit of the Territory and reflect upon the capacity of its people and their representatives for efficient and honest government.

In view of the splendid record of this Legislature I feel confident that it is unnecessary to do more than call attention to the facts in order to secure a just result.

WALTER F. FREAR,  
Governor of Hawaii.





ESTIMATES FOR CURRENT HALF-YEAR AND NEXT BIENNIAL PERIOD.—(Continued.)

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	Current Half-Year.	Next Biennial Period.	
Pub. Works Dept.			
Honolulu Water and Sewer Works .....	86,000	350,000	
Wharfage, Pilotage .....	36,000	150,000	
Rents . . . . .	4,790	9,560	
Miscellaneous .....	5,000	14,000	523,560
Pub. Lands Dept.			
Rents, etc. ....	90,500	420,000	
Sales . . . . .	25,000	125,000	545,000
Agr. and For. Dept.			
Miscellaneous .....			1,000
Survey Dept.			
Miscellaneous .....			500
Public Instruction.			
Book Sales .....	1,200	10,000	
Miscellaneous .....	100	500	10,500
Public Health Dept.			
Kalaupapa Store .....	12,600	60,000	
Miscellaneous .....	1,640	6,826	66,826
Judiciary Dept.			
Fines, Costs .....	6,000	500	
Miscellaneous . . . . .	100	1,000	1,500
		1,817,280	6,475,721

ESTIMATES FOR CURRENT HALF-YEAR AND NEXT BIENNIAL PERIOD.—(Continued.)

	Current Half-Year.	Next Biennial Period.
Less Transfers to Special Acts and Counties:		
Counties		
1/2 Prop. Taxes to .....	378,500	.....
Counties		
2/3 Prop. Taxes to .....	.....	2,030,667
Counties		
1/3 Prop. Taxes to .....	.....	1,015,333
Schools, etc.		
Pt. Spec. Taxes to .....	39,295	.....
Counties		
All Spec. Taxes to .....	.....	88,500
Counties		
1/2 Poll Taxes to .....	23,000	.....
Counties		
All Poll Taxes to .....	.....	96,000
Counties		
All Road Taxes to .....	92,000	192,000
Counties		
1/2 School Taxes to .....	46,000	.....
Counties		
All School Taxes to .....	.....	192,000
Schools		
Special Inc. Taxes to .....	196,625	628,850
Im. etc.		
Water and Sewer Works .....	86,000	350,000
Pt. Rents to Homestead .....	25,000	50,000
Surveys		
To Sinking Fund from .....		51,203

ESTIMATES FOR CURRENT HALF-YEAR AND NEXT BIENNIAL PERIOD.—(Continued.)

	Current Half-Year.	Next Biennial Period.
General Revenues		
Sales to Sinking Fund .....	25,000	125,000
Land purchases and Homestead Roads .....	911,420.00	4,829,553.00
Leaves Available Receipts .....	905,860.00	1,646,168.00
Add net Cash, Dec. 31, 1910 .....	753,097.72	
	<hr/>	
Deduct Balance old Appropriations .....	1,658,957.72	
Less Estimated .....	805,385.94	
Unexpended June 30, 1911 .....	57,110.67	910,682.45
Net available for new appropriations to June 30, 1913....		\$ 2,556,850.45
New appropriations already made .....	376,468.06	
General Approp. Bill as passed by Senate, \$2,042,661, less cost, \$139,800, of collecting taxes, payable out of special fund .....	1,902,861.00	
Interest and sinking fund required to June 30, 1913, un- der loan bill as passed by Senate for Territorial im- provements alone and exclusive of water and sewer works, if bonds are floated on most favorable terms and only half during each year .....	98,130.00	2,377,459.06
	<hr/>	
Leaves unappropriated .....		\$ 179,391.39

For other appropriations this Session and appropriations next Session for same period, such as those for legisla-  
ture expenses in 1913, and other purposes, and also for the maintenance of the government from July 1, 1913,  
until the taxes are paid in the following November.

Upon motion by Senator Judd, seconded by Senator Chillingworth, action on the foregoing veto was deferred until Tuesday, April 18, 1911.

A Communication (No. 57) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 184 and 175, and Senate Bills Nos. 92, 95, 56, 44, 90, 94, 116 and 54, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

Secretary of Hawaii.

Honolulu, T. H., April 17, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 184, as Act 91, entitled "An Act to Amend Section 17 and 19, and Section 121, as Amended by Act 118 of the Session Laws of 1909, and Paragraph 9 of Section 23 of Act 118 of the Session Laws of 1907, Being 'An Act Incorporating the City and County of Honolulu; ' "

Senate Bill No. 92, as Act 92, entitled "An Act to Repeal Chapters 71 and 72 of the Revised Laws of Hawaii, Relating to Fire Departments;"

Senate Bill No. 95, as Act 93, entitled "An Act to Amend Section 62 of Act 39 of the Session Laws of 1905, Relating to the Powers and Duties of County Supervisors;"

Senate Bill No. 56, as Act 94, entitled "An Act to Amend Sections 391 and 392 of the Revised Laws of Hawaii, Relating to Fences;"

Senate Bill No. 44, as Act 95, entitled "An Act for the Relief of Persons Released from the Leper Settlement at Molo-kai;"

Senate Bill No. 90, as Act 96, entitled "An Act to Provide for the Issuance of Certificates of Hawaiian Birth;"

Senate Bill No. 94, as Act 97, entitled "An Act to Amend Sec-

tion 23 of Act 118 of the Session Laws of 1907, Relating to the Powers and Duties of the Supervisors of the City and County of Honolulu;"

Senate Bill No. 116, as Act 98, entitled "An Act to Reimburse Wm. P. Thomas and Chung Ah Get, Holders of Lots 18 and 19 Respectively, of the Pupukea-Paumalu Tract for the Reduction in the Area of Their Lots Caused by the Settlement of Boundaries;"

House Bill No. 175, as Act 99, entitled "An Act to Provide for the Sale by Common Carriers of Unclaimed Articles and for the Disposition of the Proceeds of Such Sale;"

Senate Bill No. 54, as Act 100, entitled "An Act to Provide for the Maintenance of Public Parks, and to Repeal Sections 772 and 778 of the Revised Laws of Hawaii."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 247) from the House of Representatives, returning Senate Bill No. 115, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 115, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 248) from the House of Representa-

tives, transmitting House Concurrent Resolution No. 24, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 24, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 24.

BE IT RESOLVED by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate concurring, that the Attorney General and the Commissioner of Public Lands be and they are hereby directed to forthwith proceed to take all such legal steps as may be required for the purpose of adjudicating the matter of the Waiohinu Spring water rights, in the District of Kau, Island of Hawaii.

The Communication was received and placed on file, and House Concurrent Resolution No. 24 was referred to the Committee on Public Lands and Internal Improvements.

A Communication (No. 249) from the House of Representatives, transmitting House Bill No. 225, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 225,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 225, entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii, Relating to Insanitary Land, by Amending Sections 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033, and Adding a New Section to be Known as Section 1029A."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 250) from the House of Representatives, transmitting House Bill No. 243, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 243, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 243, entitled "An Act Fixing the Liability of a Bank to Its Depositor for Payment of Forged or Raised Checks."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 251) from the House of Representatives, transmitting House Bill No. 248, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 248, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 248, entitled "An Act Relating to Inheritance Tax, Amending Sections 5 and 12 of Act 102 of the Session Laws of 1905, as Amended by Sections 2 and 3, Respectively, of Act 147 of the Session Laws of 1909."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 252) from the House of Representatives, transmitting House Bill No. 257, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 257, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.



The Communication was received and placed on file.

First Reading of House Bill No. 257, entitled "An Act to Amend Sections 2196 and 2198 of the Revised Laws of Hawaii, Relating to Arbitration."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 253) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 145, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the Senate amendments to House Bill No. 145, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Rice, Watkins and Cooke.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file; whereupon the Chair appointed Senators Chillingworth, J. T. Brown and Baker as Senate Conferees for the further consideration of the Bill.

A Communication (No. 254) from the House of Representatives, transmitting House Bill No. 233, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 15, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 233, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 233, entitled "An Act to Prescribe the Tenure of Office and Manner of Election of the Supervisors of the County of Maui."

The Bill passed First Reading by Title and was referred to a Special Committee composed of the Senators from Maui.

Senator Judd introduced Senate Concurrent Resolution (No. 9) referring to legislation for the advancement of the Territory of Hawaii, as follows:

SENATE CONCURRENT RESOLUTION NO. 9.

WHEREAS the welfare and civic progress of Hawaii depend upon building up in this Territory a larger citizen population, and

WHEREAS such a population by providing a stronger local militia and by supporting diversified agriculture and the production within the Territory of Foods now imported will increase the value of Hawaii to the military defense of the United States, and

WHEREAS assisted immigration has already created in this Territory a population of Caucasian farmers and farm laborers numbering nearly 30,000:

THEREFORE BE IT RESOLVED by the Senate of the Legislature of Hawaii, the House of Representatives concurring, that Congress be requested to amend the Organic Act so as to provide substantially as follows:

That the Territory of Hawaii shall have authority to employ funds raised by taxation to prepay the fares and otherwise to encourage the immigration to Hawaii of Caucasians, whether from the mainland of the United States or from other countries, provided that such immigrants, except in respect to being assisted, shall be eligible to admission to the United States under such Federal Immigration laws as may at the time of their arrival be in force; and provided, further, that the Territory of Hawaii shall be bound to return to the country from which they came any such immigrants may within three years after their landing in the United States, become public charges;

And in order to protect the Territory of Hawaii in securing the benefit of such expenditures, any labor agent or other person who shall solicit to leave the Territory immigrants thus assisted with Territorial funds to come to Hawaii, shall provide bonds satisfactory to the Treasurer of Hawaii that he will pay the expense of returning to the country from which they came all immigrants thus solicited and removing from the Territory to the mainland of the United States who may within three years after landing in the United States become public charges; and shall, in addition, reimburse the Territorial Government for the cost of bringing to Hawaii any immigrants who may in consequence of his solicitation remove from the Territory, and to make suitable laws for carrying out these provisions; and

BE IT RESOLVED that a certified copy of this Resolution be sent to the President and Vice President of the United States, the Speaker of the House of Representatives, the Delegate to Congress from Hawaii and the Governor of Hawaii.

A. F. JUDD,

Senator, 3rd District.

April 17, 1911.

Upon motion by Senator Judd, seconded by Senator Fairchild, consideration of the Concurrent Resolution was deferred until Tuesday, April 18, 1911.

Third Reading of Senate Bill No. 134, entitled "An Act to Provide for Local Improvements Upon Streets, Lanes, Alleys, Places and Courts in the City and County of Honolulu."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Pali.

Third Reading of Senate Bill No. 135, entitled "An Act to Amend Sections 212, 219, 221, 234, 238, 246 and 247, and Repeal Sections 200, 201, 202, 220 and 230 of the Revised Laws, Relating to the Department of Public Instruction."

Upon motion by Senator Quinn, seconded by Senator Robinson, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Pali.

Third Reading of Senate Bill No. 136, entitled "An Act to Amend Section 188 of the Revised Laws as Amended by Section 3 of Act 42 of the Session Laws of 1909."

Upon motion by Senator Robinson, seconded by Senator Quinn, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Pali.

Third Reading of House Bill No. 160, entitled "An Act to Regulate the Manufacture of Poi for Sale."

Upon motion by Senator Kaleiopu, seconded by Senator Baker, consideration of the Bill on Third Reading was deferred until 2:00 o'clock P. M. in order that the President of the Board of Health, the Food Commissioner and the Chief Sanitary Inspector for Honolulu might be invited to be present.

Third Reading of House Bill No. 249, entitled "An Act to Appropriate Twenty Thousand Dollars (\$20,000.00) to Facilitate and Expedite the Granting of Certain Preference Rights."

Upon motion by Senator Judd, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Pali.

Third Reading of House Joint Resolution No. 7, providing for the appointment of a Commission to inquire into the policy of the Administration in connection with the disposition of public lands.

Deferred until 2:00 o'clock P. M., upon motion by Senator Chillingworth, seconded by Senator Fairchild.

Third Reading of House Bill No. 229, entitled "An Act to Prohibit Trespassing Upon the Right of Way of Railroads Within the Territory of Hawaii."

The Bill failed to pass on the following division of Ayes and Noes:

Ayes: Senators C. Brown, Fairchild, Judd, Kalama, Kaleiupu, Makekau, and President Knudsen. Total, 7.

Noes: Senators Baker, J. T. Brown, Chillingworth, Hewitt, Quinn, and Robinson. Total, 6.

Absent and not voting: Senator Pali.

Third Reading of House Bill No. 240, entitled "An Act Relating to Registration of Voters, Amending Sections 4, 6 and 8 of Act 68 of the Session Laws of 1911, and Repealing Section 30, and Amending Sections 37, 41, 50, 52 and 53 of the Revised Laws of Hawaii."

Upon motion by Senator Judd, seconded by Senator C. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Chillingworth and Pali.

At 12:00 o'clock M., the Senate stood in recess until 2:00 o'clock P. M.

### AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

A Communication (No. 255) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 252, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 252 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 256) from the House of Representatives, transmitting House Bill No. 262, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 262, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 262, entitled "An Act to Authorize the Reduction of Capital and of Capital Stock of Corporations."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 257) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 249, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 249 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 258) from the House of Representatives, notifying the Senate that the Governor's veto of House Bill No. 3 had been overridden, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that House Bill No. 3 this day passed in the House of Representatives of the Territory of Hawaii, notwithstanding the veto of the Governor.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Third Reading of House Bill No. 160, entitled "An Act to Regulate the Manufacture of Poi for Sale."

Upon motion by Senator Chillingworth, seconded by Senator C. Brown, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Quinn, Robinson, and President Knudsen. Total, 10.

Noes: Senators Kaleiopu and Makekau.

Absent and not voting: Senators Kalama and Pali.

Consideration of House Joint Resolution No. 7.

Upon motion by Senator Hewitt, seconded by Senator Robinson, consideration of the Resolution was deferred until Tuesday, April 18, 1911.

Upon motion by Senator Robinson, seconded by Senator Chillingworth, the amendments to Senate Bill No. 47 were concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senator Hewitt.

Absent and not voting: Senators Kalama and Pali.

Second Reading of Senate Bill No. 127, entitled "An Act Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto."

Senator Judd moved to amend by changing the date "April 15" to "April 1" in line 13 of page 1, and also in line 15 on page 2. Seconded by Senator C. Brown, and carried.

Senator Robinson moved to further amend by inserting the following new section to be known as Section 9:

"Section 9. Section 1236 of the Revised Laws as amended by Section 6 of Act 89 of the Laws of 1905 is hereby amended to read as follows:

"Section 1236. There shall be a Board of Equalization for each taxation division which shall consist of the Assessor for such taxation division and two other persons appointed by the Governor, in the manner provided in Section 80 of the Organic Act. Each such Board of Equalization shall hold public meetings in the tax division at such times and places as may be agreed upon by them and shall make such general rules regarding assessments and valuations as they may deem proper and



equitable and not inconsistent with any existing law. Each Board of Equalization shall publish its findings in all cases where valuations and rules adopted regarding assessments and valuations are of general application."

Seconded by Senator Makekau, and carried.

Upon motion by Senator Judd, seconded by Senator Robinson, the Bill passed Second Reading as amended, and was placed on the Calendar for Third Reading on Tuesday, April 18, 1911.

A Communication (No. 259) from the House of Representatives, returning Senate Bill No. 112, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 112, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 260) from the House of Representatives, transmitting House Bill No. 158, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 158,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 158, entitled "An Act to Amend Section 2235 of the Revised Laws of Hawaii, Relating to Divorce."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 261) from the House of Representatives, transmitting House Bill No. 207, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 17, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 207, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 207, entitled "An Act to Repeal Sections 1676, 1689, 1690 and 1691 and to Amend Section 1688 of the Revised Laws of Hawaii."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator Fairchild gave notice of his intention to introduce a Bill entitled "An Act to Amend Sections 1 and 3 of Act 123

of the Session Laws of 1909, Relating to the Deposit of Territorial Moneys in Banks in This Territory."

Under suspension of the rules, Senator Fairchild introduced Senate Bill No. 137, entitled "An Act to Amend Sections 1 and 3 of Act 123 of the Session Laws of 1909, Relating to the Deposit of Territorial Moneys in Banks in This Territory."

The Bill passed First Reading by Title and was referred to the Printing Committee.

At 3:43 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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### FIFTY-THIRD DAY.

Tuesday, April 18, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Fifty-second Day was read and approved.

Senator Judd introduced a Resolution (No. 22) providing for the appointment of a Hold-Over Committee on Land Matters, as follows:

#### RESOLUTION.

BE IT RESOLVED by the Senate of the Territory of Hawaii;

That a Committee of five Senators namely Senators Knudsen, Hewitt, Chillingworth, Makekau and Pali being each of them Senators whose terms of office do not expire until the year A. D. 1914, be hereby constituted such committee to be known and styled "The Senate Hold Over Committee on Land Matters" which Committee shall prepare and submit to the Senate of the Session of 1913 such data and information re-

garding land matters in the Territory as will properly and intelligently guide the members of the Senate of said Session of 1913 in their deliberations.

It shall be the duty of such Committee to organize as soon as may be and to elect one of its members as Chairman and one of its members as Secretary of such Committee, and thereafter to inquire into the methods and policy which have in recent years been observed, and are now observed, and followed by the Territorial administration, with respect to the management, control, leasing, and other disposition of the public lands, and especially to inquire whether said Territorial administration has fairly, intelligently and impartially administered the law with reference to the setting aside and allotment of lands for Homestead purposes, and with reference to the treatment of Homesteaders to whom such allotments have been made; and further to inquire whether said administration has faithfully and impartially administered said laws, as between the planting, or grazing, corporations, and other large land holders on the one hand, and those desiring to obtain, or those holding Homesteads on the other hand; such inquiries to include all questions concerning the use and disposition of water and water rights pertaining to the Government, as between corporations and individuals; and further to inquire to what extent, if at all, the owner or managers of planting or grazing corporations, or estates, have combined, or are now combining, to the end, or for the purpose of depressing the rental or other values of privately owned lands, adjoining or adjacent to the estates of such grazing or planting corporations, or estates, respectively, or whether any oppressive measures have been or now are in vogue on the part of such, or any of such corporations, or estate owners, toward the owners or holders of privately owned land in their respective vicinities, or whether the policy pursued by any such planting or grazing corporations, or estate owners, or by any corporation, or corporations, engaged in the transportation of passengers, or freight, within this Territory are inimical to the best interests of small land holders, and to what extent such corporations, or any of them, might profitably be regulated by law, in the interest of the building up of a system of small farming and of a class of small farmers within this Territory.

ALBERT F. JUDD,  
Senator, 3rd District.

April 18, 1911.

Upon motion by Senator Quinn, seconded by Senator Fairchild, the Resolution was adopted.

Third Reading of House Joint Resolution No. 7.

Deferred until Wednesday, April 19, 1911.

Third Reading of Senate Bill No. 127, entitled "An Act Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto."

Senator C. Brown moved to amend by inserting in Section 7, the following:

"Section 1221 of the Revised Laws of Hawaii as amended by Act 141 of the Session Laws of 1909 is hereby further."

Seconded by Senator Chillingworth, and carried.

Upon motion by Senator Pali, seconded by Senator Chillingworth, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Consideration of Senate Concurrent Resolution No. 9.

The Resolution was adopted.

Upon motion by Senator Chillingworth, seconded by Senator Baker, consideration of Governor's Message No. 9 was deferred until 2 o'clock P. M.

Senator J. T. Brown presented a Report (No. 264) from the Printing Committee, stating that Senate Bill No. 137 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Second Reading of Senate Bill No. 137, entitled "An Act to Amend Sections 1 and 3 of Act 123 of the Session Laws of 1909, Relating to the Deposit of Territorial Moneys in Banks in This Territory."

Upon motion by Senator C. Brown, seconded by Senator Baker, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

Senator Fairchild presented a Report (No. 265) from the Committee on Ways and Means, recommending the tabling of Senate Joint Resolution No. 1, and the adoption of a substitute Concurrent Resolution (No. 10), as follows:

Honolulu, Hawaii, April 18, 1911.

Hon. E. A. Knudsen,

President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred

Senate Joint Resolution No. 1, has had same under careful consideration and investigation, has held a duly advertised public hearing for a general discussion of the objects of the resolution, and has compiled considerable data relative thereto, which is submitted herewith as a result of conferences, discussions and investigations.

Your Committee has so amended the original resolution that it now recommends it be tabled substituting for same Concurrent Resolution No. 10 which accompanies this report.

The object of this resolution is, as was the one it replaces, to withdraw all of the developed public lands and waters from the operation of the Organic Act placing them in the hands of a Commission for the purpose of making them render the maximum revenue in the interests of the education and health of the inhabitants of this Territory thereby removing them from imminent danger of being lost to the people under the guise of homesteading at a fraction of their real value. This action is in accord with American principles under which 67,893,919 acres have been set aside in the various states and territories.

Your Committee from its investigation has found many reasons to urge the passage of this resolution which will immediately result in conserving to the people a mere remnant of the most valuable asset once possessed by them from which to derive an ever increasing revenue in the interests of the greatest good for the greatest number. We find that there are 35,000 acres of public land with water improvements etc., which in the opinion of those competent to judge, is worth over \$5,000,000. Should this realty be given to homesteaders at a fraction of its value, the temptation for those most interested to acquire it through homesteaders, upon terms which would induce them to sell out their holdings, is so great we believe it would result in the Territory eventually losing all these lands and water, and at a price much below their real worth.

To the few ultra conservatives who oppose the passage of this resolution fearing it may be considered a radical or retrogressive step and be regarded by Washington as indicating an inimical attitude toward the homesteading of this Territory with white immigrants, attention is called to the fact that from our investigations we are inclined to believe that the withdrawal of all the developed lands and waters and the offering for homesteads of the undeveloped lands at nominal prices would result in the adoption of a safe, sane and sound homestead policy with the result that homesteading such as is desired will come more quickly than under the present law. We have evidence to warrant the belief that so long as the valuable revenue producing lands are subject to homesteading at

a fraction of their value, there will be no pioneer homesteading of the 100,000 acres of undeveloped lands to which we urge the pioneer homesteader be given free access and every legitimate encouragement. One of the reasons why 1,400 surveyed homesteads, comprising an area of 44,266.43 acres, are not taken up is due, in our opinion, to the fact that those desiring same do not want to forfeit their chance to homestead on valuable developed lands, by taking up one of the undeveloped homesteads. Remove this bar and we believe the homesteads now awaiting occupants will be taken up immediately. To those who oppose the resolution for fear of political consequences, we venture the opinion that the party which espouses the carrying into effect of this resolution will reap its reward and that which opposes will go down to defeat before a general election. From a financial standpoint there is everything to commend its passage. According to the Treasurer of the Territory the interest and sinking fund to redeem the present bonded indebtedness unless refunded will amount to \$515,368.70 a year, add to this \$173,490.33 interest and sinking fund charges in the new loan of \$3,000,000 and the total annual charge against the revenue will amount to \$688,859.03. In the opinion of Your Committee the time has arrived to conserve our assets.

To those who oppose the passage due to the fact that the last session of the Legislature requested Congress to amend the Organic Act, in the interests of homesteaders, it must be conceded they would have good grounds for their contention had the Act been amended as requested, but when the Legislature's requests were so amended, changed and altered as to result in a loss of revenue and fee of our most valuable lands and waters, should we not protest at this time which is our first opportunity, would we not be guilty of shirking our responsibilities.

In order that the Senators may be advised of the area and extent of the Public lands, the following statement has been compiled.

Total Area of Public Lands .....	1,674,804.44 Acres
Total Area of Public Lands Leased .....	877,841.87 "
Total Area of Public Lands not leased .....	796,962.57 "

Of the 877,841.87 acres 428,131.89 are leased direct to Plantations, which are classified as follows:

Land in Cane (developed) .....	35,042.44 Acres
Land suitable for cane (undeveloped) .....	2,947.20 "
Land suitable for agriculture (undeveloped) ..	7,896.86 "
Land in Rice (developed) .....	1,030.75 "

Land leased for Pastoral purposes .....	119,445.37	"
Land in Forests .....	84,373.11	"
Land designated as waste .....	119,631.14	"
Land not classified .....	57,765.02	"
	<hr/>	
	428,131.89	"

According to the foregoing list the lands to be removed from homesteading purposes in accordance with Concurrent Resolution No. 10 are less than 40,000 acres, but it is safe to state that there are sufficient undeveloped cane, agricultural and pastoral lands contiguous to the plantations to provide a homesteading area far in excess of the area so removed.

The Commissioner of Public Lands reports that the following lands are now surveyed, opened and ready for homesteaders:

Hawaii .....	37,320.67	Acres
Maul .....	4,308.29	"
Oahu .....	775.85	"
Kauai .....	1,861.62	"
	<hr/>	
Total .....	44,266.43	"

Within the unleased area of 796,962.57 acres of land, there are large areas of excellent arable land and undeveloped water. In the Kona and Kau District alone over 30,000 acres of the best homesteading land is to be opened up for agriculture should House Concurrent Resolution No. 9 which seeks to encourage the building of a railroad into this vast domain become law. Your Committee is advised that this land is far more valuable for homesteaders when opened up by a railroad than are the developed lands to be set aside by the Resolution now under consideration, as they are capable of producing a greater variety of crops than any of the lands in the Territory. Of the 35,042 acres now in cane there are 22,191 acres embraced in six plantations which with the appurtenant waters, improvements, etc., are worth as already stated about \$5,000,000.00, the rentals from them at the present time are nominal, but upon the expiration or extension of the existing leases, they should yield a yearly revenue of from \$250,000.00 to \$400,000.00. What the other 12,851 acres will bring is not as well known except it is presumed a higher rental under the proposed plan, than can be obtained under the present unsatisfactory law.

In conclusion Your Committee in its findings recommends



the tabling of Senate Joint Resolution No. 1, and the passage of Senate Concurrent Resolution No. 10 submitted herewith.

Respectfully submitted,

GEO. H. FAIRCHILD,

Chairman.

JOHN T. BROWN,

WM. T. ROBINSON,

CECIL BROWN,

E. W. QUINN.

Senator Chillingworth moved to amend the Resolution by inserting in Section 2 after the words "this Act," the following:

"And, provided that at any time upon two years' notice having been previously given after the first five years of any lease, the Legislature may, upon the request of the Governor of the Territory of Hawaii, remove any of said lands from the operation of this Act for the purpose of making the same available, at a value not less than the market value of same, to be placed thereon by three appraisers appointed by said Legislature, under the law relating to homesteading."

Seconded by Senator Hewitt, and carried.

Upon motion by Senator Judd, seconded by Senator C. Brown, consideration of the Report of the Committee was deferred until Wednesday, April 19, 1911.

Senator Brown presented a Report (No. 266) from the Committee on Education, recommending the passage of House Bill No. 79, as follows:

#### SENATE CHAMBER.

Honolulu, April 18, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Education to whom was referred House Bill No. 79 entitled "An Act to Amend Section 211 of the Revised Laws of Hawaii as Amended by Act 47 of the Session Laws of 1907, Approved the 5th Day of April, 1907," has had the same under careful investigation and consideration and begs leave to report as follows:

The Bill seeks to provide that the Hawaiian language may

be taught to such pupils as may be permitted by their parents during such hours as may be fixed without interfering in any manner with the regularly prescribed courses of study. Foreign languages are permitted under the existing law, and the native language of the aborigines of these islands is being neglected to such an extent, that very few persons today understand thoroughly the language. As the bill does not make it compulsory that the Hawaiian language be taught, Your Committee fails to see any reason why the bill should not pass.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

WM. T. ROBINSON,  
Chairman.

DAVID K. BAKER,  
I do not concur  
GEO. H. FAIRCHILD.

Upon motion by Senator Robinson, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 79 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

At 11:48 o'clock A. M., the Senate stood in recess until 2:00 o'clock P. M.

## AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

Senator Judd presented a Majority Report (No. 267) from the Judiciary Committee, recommending the tabling of House Bill No. 183, as follows:

### REPORT ON HOUSE BILL NO. 183.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 183, defining and punishing Gift Enterprises, begs leave to report as follows:

The bill as drawn is based upon a statute of the District of Columbia, which was upheld in the case of Matter vs. Gregory, Petitioner, 219 U. S. 210.

The bill is aimed at the trading stamp enterprise, and other

gift enterprises in the Territory of Hawaii. Your Committee finds upon investigation that it is aimed principally against trading stamp enterprises, though as drawn it is broad enough to cover any sort of gift enterprise.

After a careful investigation your Committee is of the opinion that the trading stamp enterprise is a legitimate business, which gives value for value, and that there exists no valid reason why it should be suppressed, especially so since it is an encouragement to cash business, and gives value for value, giving to the consumer the benefit of a cash discount which he would not otherwise receive, and discourages the running of accounts.

For the above reasons your Committee recommends that this bill be tabled.

Respectfully submitted by majority,

JUDICIARY COMMITTEE,

CECIL BROWN,  
R. H. MAKEKAU,

April 18, 1911.

Senator Judd presented a Minority Report (No. 267A) from the Judiciary Committee, recommending the passage of House Bill No. 183, as follows:

MINORITY REPORT ON HOUSE BILL NO. 183.

To the Honorable Eric A. Knudsen,  
President of the Senate.

I do not concur in the majority report of the Judiciary Committee, to whom was referred House Bill No. 183, defining and punishing Gift Enterprises, for the following reasons:

Upon investigation I find that the trading stamp enterprise, and the other enterprises at which this bill is aimed are pernicious in their effect, and that they are injurious to legitimate business, and of no real value to the consumer. I find that in many of the States of the United States there are very stringent statutes prohibiting trading stamp enterprises, and that these statutes have been passed only after years of experience with trading stamps, and with a full knowledge of the evils resulting therefrom.

I therefore cannot concur in the majority report on this bill, and recommend that the bill be passed.

Respectfully submitted by minority,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

April 18, 1911.

Chairman.

Upon motion by Senator Makekau, seconded by Senator Baker, the Majority and Minority Reports of the Judiciary Committee on House Bill No. 183, together with the Bill, were tabled.

Senator Judd presented a Report (No. 268) from the Judiciary Committee, recommending the passage of House Bill No. 225, as follows:

REPORT ON HOUSE BILL NO. 225.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 225, to amend Chapter 83 of the Revised Laws of Hawaii, relating to Insanitary Land by amending Sections 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033, and adding a new section to be known as Section 1029A, begs leave to report as follows:

Chapter 83 of the Revised Laws relating to Insanitary Land is defective in several particulars, the constitutional rights of the owners of private lands which may be affected not being properly guarded. These rights in the present bill are properly cared for, and the doubts in our statutes removed. Act 29 of the laws of 1911, carries an appropriation of \$50,000.00 for the purpose of carrying out the provisions of this Chapter of the Revised Laws, and we do not want to have part of that money expended, and not be able to get it back because of the insufficiency or incompleteness of our present laws.

After a careful consideration of this subject your Committee is of the opinion that all of the amendments which are sought to be made by this bill are desirable, and therefore recommends the passage of the bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 18, 1911.

Committee.

Upon motion by Senator Judd, seconded by Senator Fairchild, the Report of the Committee was adopted; House Bill No. 225 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

Senator Judd presented a Report (No. 269) from the Judiciary Committee, recommending the passage of House Bill No. 257, as follows:

**REPORT ON HOUSE BILL NO. 257.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 257, to Amend Section 2196 of the Revised Laws of Hawaii Relating to Arbitration, begs leave to report as follows:

Under the present statutes covering the subject of arbitration there is no appeal on questions of law from the decision of the arbitrator even though the parties in their submission to arbitration expressly agree that there shall be such an appeal. On *Tai vs. Richards*, 20 H. 198.

After careful consideration your Committee sees no reason why when parties to an arbitration so agree that an appeal from the decision of the arbitrator should not be taken. This is all the amendments, made to our statute by this bill, do. They allow an appeal when the parties so agree in their submission to arbitration.

Your Committee is of the opinion that the bill is in proper form, and for the reasons above given recommends that it be passed.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU.  
Committee.

April 18, 1911.

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Report of the Committee was adopted; House Bill No. 257 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

Senator Judd presented a Report (No. 270) from the Judiciary Committee, recommending the passage of House Bill No. 262, as follows:

REPORT ON HOUSE BILL NO. 262.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 262, to Authorize the Reduction of Capital and of Capital Stock of Corporations, begs leave to report as follows:

Senate Bill No. 99 covering the same subject matter passed the Senate and House, and was vetoed by the Governor, for reasons stated by him in his veto message to the Legislature. House Bill No. 262 incorporates in it the suggestions made by the Governor in his veto message, and will accomplish the purposes desired.

Your Committee therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

April 18, 1911.

Committee.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 262 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

Senator Chillingworth presented a Report (No. 271) from the Committee on Public Health, recommending the adoption of House Concurrent Resolution No. 22, as follows:

Honolulu, Oahu, April 18, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health to whom was referred

House Concurrent Resolution No. 22, has had the same under careful consideration and begs leave to report as follows:

This is a harmless resolution. It expresses the opinion only of the Legislature, that it would be a good thing if the President of the Board of Health should permit certain physicians, empowered to issue burial certificates, deputize Sheriffs or Deputy Sheriffs to issue such certificate in certain cases.

A concurrent resolution has not the force of law and would leave the Board of Health President free to carry out the intent of the resolution if he legally can do so.

For the reasons above stated, Your Committee recommends the adoption of the resolution.

Respectfully submitted,

CHARLES F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD.

The Report of the Committee and the Concurrent Resolution were adopted.

Senator Chillingworth presented a Report (No. 272) from the Committee on Public Health, recommending the passage of House Bill No. 247, as follows:

Honolulu, Oahu, April 18, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sirs:—

Your Committee on Public Health to whom was referred House Bill No. 247, entitled "An Act to Further Provide for the Care and Medical Treatment of Persons Afflicted with Leprosy" has had the same under careful consideration, and begs leave to report as follows:

This Bill is for the purpose of giving the Board of Health the authority to allow persons detained at Kalihi Hospital or at the Settlement at Molokai to go thence to some other place at such time as the Board of Health may designate, whenever the Board of Health consider it advisable.

This Bill will ameliorate the condition of those persons afflicted with disease.

Your Committee believes this to be a meritorious Bill and recommends its passage.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD,

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 247 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

Senator Chillingworth presented a Report (No. 273) from the Committee on Public Health, recommending the Passage of House Bill No. 197, as follows:

Honolulu, Oahu, April 18, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health to whom was referred House Bill No. 197, entitled "An Act to Provide Homesteads with Buildings Thereon for Patients Discharged from the Kalihi Receiving Station or the Molokai Leper Settlement" has had the same under careful consideration, and begs leave to report as follows:

Strike out the words "not otherwise appropriated" in line three and four of Section 3 of this Bill, and insert in lieu thereof the words "available for the purpose."

This Bill seeks to carry out the pledges made by most of the members of the Senate, and Your Committee believes that it is nothing but simple justice to furnish the person discharged from the Kalihi Hospital and the Molokai Settlement with a home.

In most every case such person has had to dispose of his home when taken into custody to be segregated for the Benefit of the people of Hawaii.

With the above reasons the Committee recommends the passage of the Bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

PHILIP PALI.  
ALBERT F. JUDD.



Upon motion by Senator Pali, seconded by Senator J. T. Brown, the Report of the Committee was adopted; House Bill No. 197 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

Senator Hewitt presented a Report (No. 274) from the Committee on Manufactures, Forestry and Promotion, recommending the passage of House Bill No. 238, as follows:

Honolulu, Oahu, April 18, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Manufactures, Forestry and Promotion to whom was referred House Bill No. 238 entitled "An Act To License and Regulate Billboards and Outdoor Advertising," has had the same under due and careful consideration, and begs leave to report as follows:

The Bill seeks to provide a regulation and license fee for outdoor advertising which in the opinion of the Committee is a proper thing to do.

Your Committee therefore recommends the passage of the Bill.

Respectfully submitted,

GEO. C. HEWITT,  
Chairman.

A. S. KALEIOPU,  
PHILIP PALI.

Upon motion by Senator Pali, seconded by Senator Robinson, the Report of the Committee was adopted; House Bill No. 238 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

Senator Kalama presented a Report (No. 34) from the Special Committee on Senate Bill No. 120 and House Bill No. 233, recommending the tabling of Senate Bill No. 120, and the passage of House Bill No. 233, as follows:

#### SENATE CHAMBER.

Honolulu, T. H., April 18, 1911.

The Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Special Committtee, consisting of the members of the

Senate from the Island and County of Maui, to which was referred Senate Bill No. 120, and House Bill No. 233, both being entitled similarly as "An Act to prescribe the Tenure of Office and manner of Election of the Supervisors of the County of Maui," begs leave to state, that after it had given both Bills due and careful consideration, it submits the following as its report:

The intent of both measures are identical, in that they aim to have the members of the Board of Supervisors elected at large, and that the contemplated change, your Committee feels, is very imperative. The present method of electing members of the Board is distinctly objectionable, it being the old "ward" system, which history as well as experience has taught us that it is the worst kind of government, in that it encourages all manner of irregularities. Further than this, the Bills also provide for the election of a chairman and executive officer of the Board and County; in other words, the proposed chairman would become the manager, or superintendent, of the County, and he, together with the four members, would constitute the County's Board of Directors.

Under the system that now prevails, the Board is the Board of Directors of the County. It directs its various subordinate superintendents or heads of departments, once each month at its stated monthly meetings, dissolves itself and leaves no head to affairs until its next stated meeting, a month hence, or when it may call itself together in special session. The purport of these Bills intend to remedy the defect of the present system, so that the chairman or executive officer, or head of affairs, may act with authority from the Board of Supervisors between meetings.

In conclusion, your Committee would therefore recommend that Senate Bill No. 120 be laid on the table. It further recommends the passage of House Bill No. 233.

Respectfully submitted,

S. E. KALAMA,

Chairman.

WM. T. ROBINSON,

PHILIP PALI,

Members.

Upon motion by Senator Pali, seconded by Senator Baker, the Report of the Committee was adopted; Senate Bill No. 120 was tabled; House Bill No. 233 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 19, 1911.

A Communication (No. 58) from Hon. E. A. Mott-Smith, Executive Officer of the Board of Commissioners of Public Archives, transmitting a Resolution relative to the Chest of Silverware in the Archives, was read by the Clerk as follows:

ARCHIVES OF HAWAII.

Honolulu, H. T., April 18, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Sir:—

I have the honor to transmit the following Resolution of the Board of Commissioners of Public Archives, passed at a meeting held this 18th day of April, 1911:

"Resolved that the Chairman of the Board be requested to immediately acknowledge the receipt of Concurrent Resolution No. 23, and to state to the Legislature now in session, that in the humble opinion of this Board, a Concurrent Resolution does not confer any authority to make the desired disposition of the Chest of Silver received by Kamehameha IV. in 1858, and therefore does not relieve this Board of its responsibility. If the Territory, through its Legislative and Executive Branches, desires by law to show the Hon. Jonah K. Kalanianaʻole its appreciation of the services he has rendered as Delegate at Washington by such disposition of the Silver as the Concurrent Resolution indicates, then action should be taken while there is still time during this session to pass either an Act or a Joint Resolution to that effect."

I have the honor to be,

Very respectfully,

E. A. MOTT-SMITH,  
Chairman and Executive Officer,  
Board of Commissioners of Public Archives.

The Communication was referred to the Judiciary Committee.

A Communication (No. 262) from the House of Representatives, returning Senate Bill No. 114, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 18, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 114,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
Consideration of Governor's Message No. 9, vetoing House  
Bill No. 3, entitled "An Act to Provide for the Construction of  
Belt Roads."

Deferred until Wednesday, April 19, 1911, at 2:00 o'clock  
P. M.

At 2:30 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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FIFTY-FOURTH DAY.

Wednesday, April 19, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjourn-  
ment.

After prayer by the Chaplain, the Roll was called, showing  
all Senators present.

The Journal of the Fifty-third Day was read and approved.

A Communication (No. 59) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bill No. 160 and Senate Bill No. 111, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

Secretary of Hawaii.

Honolulu, T. H., April 18, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 160, as Act 101, entitled "An Act to Regulate the Manufacture of Poi for Sale;"

Senate Bill No. 111, as Act 102, entitled "An Act to Amend Chapter 28 of the Revised Laws of Hawaii, Relating to Agriculture and Forestry, by Adding a New Section Thereto to be Known as Section 368A."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 60) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 113, 47 and 115 and House Bill No. 240, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

Secretary of Hawaii.

Honolulu, T. H., April 19, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your

Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 113, as Act 103, entitled "An Act to Amend Section 26 of Act 119 of the Session Laws of 1907, Entitled 'An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905;'"

Senate Bill No. 47, as Act 104, entitled "An Act Relating to Circuit Court Receipts and Expenses;"

House Bill No. 240, as Act 105, entitled "An Act Relating to Registration of Voters, Amending Section 4, 6 and 8 of Act 68 of the Session Laws of 1911, and Repealing Section 30, and Amending Sections 37, 41, 50, 52 and 53 of the Revised Laws of Hawaii:"

Senate Bill No. 115, as Act 106, entitled "An Act to Prevent the Destruction, Defacing or Removal of Survey Monuments."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 37) from the Clerk of the County of Maui, enclosing copy of a Resolution adopted by the Board of Supervisors relating to House Bill No. 233, was read by the Clerk as follows:

BOARD OF SUPERVISORS.  
County of Maui.

Wailuku, Maui, T. H., April 15, 1911.

Honorable E. A. Knudsen,  
President of the Senate,  
Honolulu, Oahu, T. H.

Dear Sir:—

Enclosed please find copy of Resolution passed by the Board of Supervisors of the County of Maui.

Yours very truly,

W. F. KAAE,  
County Clerk.

Wailuku, Maui, T. H., April 14, 1911.

## RESOLUTION NO. 50.

WHEREAS, there has been introduced and is now under consideration in the House of Representatives, a bill known as House Bill No. 233, prescribing and changing the tenure of office and manner of election of the Supervisors of the County of Maui; and

WHEREAS, this Board does not believe that the citizens and voters of Maui are desirous of such proposed change in the law, nor do the members of this Board favor such a change;

THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Maui that we request our Senators and Members of the House of Representatives to oppose the passage of House Bill No. 233; and

FURTHER RESOLVED that the Clerk of the Board forward copies of this Resolution to the President of the Senate and the Speaker of the House of Representatives.

Seconded by W. P. Haia, Supervisor.

W. F. KAAE,  
County Clerk, County of Maui.

The Communication and Resolution were laid upon the table to be taken up for consideration with House Bill No. 233.

Consideration of Senate Resolution No. 21, providing for the appointment of a Hold-Over Committee on Land Matters.

Upon motion by Senator Hewitt, seconded by Senator Baker, the Resolution was adopted.

Consideration of Senate Concurrent Resolution No. 10.

Senator Judd moved that further consideration of the Resolution be indefinitely postponed. Seconded by Senator Kaleiupu and lost on the following division of Ayes and Noes:

Ayes: Senators Judd, Hewitt, Kaleiupu, and Pali. Total, 4.

Noes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Kalama, Makekau, Quinn, Robinson, and President Knudsen. Total, 10.

Senator Chillingworth moved to amend the Resolution by inserting in Section 1 after the words "appointed by the Governor," the words "by and with the approval of the Senate of the Territory of Hawaii." Seconded by Senator Fairchild, and carried.

Upon motion by Senator Fairchild, seconded by Senator C. Brown, the Resolution was adopted on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Makekau, Quinn, Robinson, and President Knudsen. Total, 9.

Noes: Senators Judd, Hewitt, Kalama, Kaleiopu, and Pali. Total, 5.

Third Reading of Senate Bill No. 137, entitled "An Act to Amend Sections 1 and 3 of Act 123 of the Session Laws of 1909, Relating to the Deposit of Territorial Moneys in Banks in This Territory."

Upon motion by Senator Fairchild, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Joint Resolution No. 7.

Senator Chillingworth moved that the Resolution be tabled; seconded by Senator Hewitt, and carried.

Third Reading of House Bill No. 79, entitled "An Act to Amend Section 211 of the Revised Laws of Hawaii, as Amended by Act 47 of the Session Laws of 1907, Approved the 5th Day of April, 1907."

Upon motion by Senator Kalama, seconded by Senator Baker, consideration of the Bill upon Third Reading was deferred until Thursday, April 20, 1911.

Third Reading of House Bill No. 197, entitled "An Act to Provide Homesteads with Buildings Thereon for Patients Discharged from the Kalihi Receiving Station or the Molokai Leper Settlement."

Upon motion by Senator Pali, seconded by Senator J. T. Brown, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Fairchild.

Third Reading of House Bill No. 233, entitled "An Act to Prescribe the Tenure of Office and Manner of Election of the Supervisors of the County of Maui."

Upon motion by Senator Kalama, seconded by Senator Robin-



son, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Judd, Kalama, Kaleiopu, Makekau, Pali, Robinson, and Quinn. Total, 10.

Noes: Senators C. Brown, Fairchild, Hewitt, and President Knudsen. Total, 4.

Third Reading of House Bill No. 225, entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii, Relating to Insanitary Land, by Amending Sections 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033, and Adding a New Section to be Known as 1029A."

Upon motion by Senator Judd, seconded by Senator Baker, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kalama, Kaleiopu, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senators Baker, Hewitt, and Makekau. Total, 3.

Third Reading of House Bill No. 257, entitled "An Act to Amend Sections 2196 and 2198 of the Revised Laws of Hawaii, Relating to Arbitration."

Upon motion by Senator Judd, seconded by Senator Baker, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

At 12:00 o'clock M., the Senate stood in recess until 2:00 o'clock P. M.

### AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

Senator Quinn presented a Report (No. 35) from the Joint Conference Committee on House Bill No. 2, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, Hawaii, April 19, 1911.

Hon. H. L. Holstein,  
Speaker, House of Representatives.

Hon. Eric A. Knudsen,  
President of the Senate.

Gentlemen:—

Your Joint Conference Committee to which was referred House Bill No. 2, entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907 as Amended by Act 128 of the Session Laws of 1909," begs leave to report that it has had the same under careful consideration, and would recommend the final passage of the Bill as amended by the Senate with the following amendments:

In Section 39 amend the item "Members of the Board of Supervisors 900.00" so as to read "Members of the Board of Supervisors 600.00."

In the same Section amend the item "City and County Attorney 4,200.00" so as to read "City and County Attorney 3,600.00."

Respectfully submitted,

E. W. QUINN,  
S. E. KALAMA,  
GEO. C. HEWITT,  
Senate Conferees.

WM. WILLIAMSON,  
S. P. CORREA,  
GEO. P. COOKE,  
House Conferees.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Makekau, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Kalama, Kaleiopu, and Pali.

Third Reading of House Bill No. 262, entitled "An Act to Authorize the Reduction of Capital and Capital Stock of Corporations."

Upon motion by Senator Quinn, seconded by Senator Fairchild, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Makekau, Quinn, Robinson, and President Knudsen. Total, 10.

Noes: Senator Hewitt.

Absent and not voting: Senators Kalama, Kaleiopu, and Pali.

Third Reading of House Bill No. 247, entitled "An Act to Further Provide for the Care and Medical Treatment of Persons Afflicted with Leprosy."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Quinn, Robinson, and President Knudsen. Total, 9.

Noes: Senators Baker and Makekau.

Absent and not voting: Senators Kalama, Kaleiopu, and Pali.

Third Reading of House Bill No. 238, entitled "An Act to License and Regulate Billboards and Out-of-Door Advertising."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: Senator C. Brown.

Absent and not voting: Senator Kaleiopu.

Third Reading of House Bill No. 229, entitled "An Act to Prohibit Trespassing Upon the Right-of-Way of Railroads Within the Territory of Hawaii."

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators C. Brown, Chillingworth, Fairchild, Judd, Hewitt, Makekau, Pali, and President Knudsen. Total, 8.

Noes: Senators Baker, J. T. Brown, Kalama, Quinn, and Robinson. Total, 5.

Absent and not voting: Senator Kaleiopu.

Consideration of Governor's Message No. 9, vetoing House Bill No. 3, entitled "An Act to Provide for the Construction of Belt Roads."

Deferred until Thursday, April 20, 1911.

A Communication (No. 263) from the House of Representatives, returning Senate Bill No. 122, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 122, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 264) from the House of Representatives, transmitting House Bill No. 162, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 162,

which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 162, entitled "An Act Appropriating Not to Exceed Nine Thousand Five Hundred Dollars and Thirty-one Cents to Reimburse the County of Maui for Expenditures Made in the Assistance of the Board of Health."

The Bill passed First Reading by Title and was referred to the Committee on Public Health.

A Communication (No. 265) from the House of Representatives, transmitting House Bill No. 260, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 260, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 260, entitled "An Act to Amend Chapter 190 of the Revised Laws of Hawaii, by Amending Section 2929 Thereof, and by Adding Two New Sections to be Known as Sections 2929A and 2929B."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator J. T. Brown presented a Report (No. 275) from the Printing Committee, stating that Senate Bill No. 127 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Kalama presented a Report (No. 276) from the Committee on Public Lands and Internal Improvements, recommending the adoption of House Concurrent Resolution No. 24, as follows:

Honolulu, April 19, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sirs:—

Your Committee on Public Lands and Internal Improvements to whom was referred Concurrent Resolution No. 24, Requesting the Attorney General and the Commission of Public Lands to take such steps as may be necessary for the purpose of adjudicating in the matter of the Waiohinu Spring water rights, in the District of Kau, Island of Hawaii, begs leave to report that it has had the same under due and careful consideration, and recommends its adoption.

Respectfully submitted,

S. E. KALAMA,  
Chairman.

A. S. KALEIOPU,  
GEO. C. HEWITT,

Upon motion by Senator Pali, seconded by Senator Judd, the Report of the Committee and the Resolution were adopted.

Senator Chillingworth presented a Report (No. 277) from the Committee on Military, recommending the passage of House Bill No. 165 with one amendment, as follows:

#### SENATE CHAMBER.

Honolulu, April 19, 1911.

Honorable E. A. Knudsen,  
President of the Senate,  
Honolulu.

Sir:—

Your Committee on Military to whom was referred House

Bill No. 165, entitled "An Act to Amend Section 115 of the Revised Laws of Hawaii Relating to Holidays," begs leave to report that the same has had careful consideration and further recommends that it pass as amended by your Committee.

Your Committee recommends striking out the clause in Section 1 which reads "Whenever any of said days shall fall upon Sunday, the Monday next following such day shall be a legal holiday," and inserting in lieu thereof the clause "Whenever any of said days shall fall upon Sunday, all government offices shall remain closed on the Monday next following such Sunday."

It is the custom in the territory for all banks and business houses to so observe this day and by this amendment government offices will be permitted to observe the same custom.

The second paragraph of this bill gives to the Governor the power to declare a holiday which is the right of every governor of every state in the Union.

The Congress of the United States has given the Governor, under the provisions of the Organic Act, the great power to call upon the army and navy of the United States stationed in Hawaii if necessary, to suspend the writ of habeas corpus, and to declare martial law should occasion require, this bill will confer upon him the lesser right of declaring a holiday.

Your Committee respectfully recommends that the bill do pass as amended.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

E. W. QUINN,  
R. H. MAKEKAU.

Upon motion by Senator Chillingworth, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 165 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Thursday, April 20, 1911.

Senator Kalama presented a Report (No. 278) from the Committee on Public Lands and Internal Improvements, recommending the passage of House Bill No. 218 with one amendment, as follows:

Honolulu, April 19, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Lands and Internal Improve-

ments to whom was referred House Bill No. 218 entitled "An Act Authorizing the cancellation of Lease of the Island of Kahoolawe and remitting back Rents" has had the same under careful investigation and consideration and begs leave to report as follows:

The Bill seeks to cancel the lease referred to in the Bill at the instance of the Departmentt of Forestry of the Territory and to refund back rents due therefor.

The Committee sees no reason why the Bill should not pass, and therefore recommends its passage with the following amendment:

Insert the word "unpaid" after the word "all" in line 3 of Section 3 of the Original.

Respectfully submitted,

S. E. KALAMA,  
Chairman.  
GEO. C. HEWITT.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 218 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Thursday, April 20, 1911.

At 2:45 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

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FIFTY-FIFTH DAY.

Thursday, April 20, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.



The Journal of the Fifty-fourth Day was read and approved. A Communication (No. 266) from the House of Representatives, notifying the Senate that the Report of the Joint Conference Committee on House Bill No. 2 had been adopted, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill No. 2 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file. A Communication (No. 267) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 197, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 197 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 268) from the House of Representatives, returning Senate Bill No. 132, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 132, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 269) from the House of Representatives, returning Senate Bill No. 128, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 128, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 270) from the House of Representatives, returning Senate Bill No. 133, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 133, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 271) from the House of Representatives, returning House Bill No. 124, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 124, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 272) from the House of Representatives, transmitting House Bill No. 224, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 19, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 224, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 224, entitled "An Act Relating to Sewers and Garbage, Repealing Chapter 84 of the Revised Laws and Act 21 of the Laws of 1905, and Establishing Rates for the Use of the Honolulu Sewers."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

At this juncture, Senate Bill No. 86, which had been referred to the Committee on Public Health, was, upon motion by Senator Chillingworth, seconded by Senator Judd, referred to the Judiciary Committee.

Senator Kaleiopu introduced Concurrent Resolution (No. 11) relating to reapportionment of Senators and Representatives in the Territory, as follows:

CONCURRENT RESOLUTION.

WHEREAS, pursuant to the provisions of the Organic Act of the Territory of Hawaii, being "An Act to Provide a Government for the Territory of Hawaii," approved April 30, 1900, it is now incumbent upon the Legislature of Hawaii to reap-

portion the Members of said Legislature on the basis of citizenship as determined by the last census taken by the officials of the United States; and

WHEREAS, it is evident that the basis of citizenship fixed by said Organic Act is inequitable, and that such reapportionment should be based upon the last registration of voters in said Territory.

THEREFORE, BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, the House of Representatives concurring, that the Congress of the United States be and it hereby is requested to amend Section 55 of said Organic Act by striking therefrom the words "The Legislature, at its first regular session after the census enumeration shall be ascertained and from time to time thereafter, shall reapportion the membership in the Senate and the House of Representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory;" and by inserting in lieu thereof the following:

"The Legislature shall every ten years reapportion the membership in the Senate and House of Representatives among the senatorial and representative districts on the basis of the voters in each of said districts registered for the then last general election;" and

BE IT FURTHER RESOLVED that the said Congress be and it is hereby requested to provide in such amendatory act that for the next ten year period the electors in the several senatorial and representative districts shall be entitled to elect senators and representatives, respectively, as follows:

In the First Senatorial District—Three Senators,

In the Second Senatorial District—Three Senators,

In the Third Senatorial District—Eight Senators,

In the Fourth Senatorial District—One Senator.

In the First Representative District—Four Representatives,

In the Second Representative District—Three Representatives,

In the Third Representative District—Five Representatives,

In the Fourth Representative District—Eight Representatives,

In the Fifth Representative District—Eight Representatives,

In the Sixth Representative District—Two Representatives.

Be IT FURTHER RESOLVED that copies of this Resolution be sent to the President and Vice-President of the United States of America, the Speaker of the House of Representatives, the Delegate to Congress from Hawaii, and to the Governor of Hawaii.

Senate Chamber,  
April 20, 1911.

A. S. KALEIOPU,  
Senator, 3rd District.

Upon motion by Senator Kaleiupu, seconded by Senator Fairchild, consideration of the Resolution was deferred until Friday, April 21, 1911.

Consideration of Governor's Message No. 9, vetoing House Bill No. 3, entitled "An Act to Provide for the Construction of Belt Roads."

Deferred until Friday, April 21, 1911.

Third Reading of House Bill No. 79, entitled "An Act to Amend Section 211 of the Revised Laws of Hawaii, as Amended by Act 47 of the Session Laws of 1907, Approved the 5th Day of April, 1907."

Upon motion by Senator Kalama, seconded by Senator Makekau, consideration of the Bill was indefinitely postponed.

Third Reading of House Bill No. 165, entitled "An Act to Amend Section 115 of the Revised Laws of Hawaii, Relating to Holidays."

Upon motion by Senator Quinn, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 218, entitled "An Act Authorizing the Cancellation of Lease of the Island of Kahoolawe and Remitting Back Rents."

Upon motion by Senator Pali, seconded by Senator Hewitt, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators C. Brown, Chillingworth and Fairchild.

Senator Judd presented a Majority and Minority Report (No. 279) from the Judiciary Committee on House Bill No. 186, as follows:

#### REPORT ON HOUSE BILL NO. 186.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House

Bill No. 186, creating a Board of Water and Sewer Commissioners for Honolulu, and providing for the transfer of the management, control and maintenance of the Honolulu Water and Sewer Works to and by said Board of Commissioners, begs leave to report as follows:

The purposes of this bill are to create a Board of Water and Sewer Commissioners for Honolulu, to be composed of five members, of which the Superintendent of Public Works shall be chairman ex-officio, and to turn over to this Board the powers and duties heretofore imposed upon the Superintendent of Public Works relative to the Honolulu Water and Sewer Works.

Constitutional objections have been urged before this Committee against this bill, but after a very thorough and careful consideration of the provisions of this bill and of the Organic Act, your Committee is of the opinion that it is well within the power of the Legislature under the Organic Act to modify the powers and duties of the Superintendent of Public Works as is done by this bill.

After careful investigation of the matter your Committee finds that it is inadvisable to continue the control and management of the Honolulu Water and Sewer Works in the hands of a single man, and especially so when this man is not able to devote his entire time and attention to these matters, because of numerous other duties cast upon him, and which require his attention. Also with the management and control of these matters vested in a Board of five members there is less likelihood of there being an arbitrary exercise of executive power in any instance, and further that the public generally will be able to present their side of disputed questions with more assurance of full hearing and proper consideration, and even when questions are decided against them will be better satisfied, than they are when the sole power is invested in one man, with no appeal or relief from his decisions.

After a careful consideration of this bill your Committee is of the opinion that it is in proper form, and will make for efficiency of administration.

Your Committee therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

R. H. MAKEKAU,

April 20, 1911.

## MINORITY REPORT ON HOUSE BILL NO. 186.

To the Honorable Eric A. Knudsen,  
President of the Senate.

I do not concur with the majority report of the Judiciary Committee on House Bill No. 186, creating a Board of Water and Sewer Commissioners for Honolulu, and providing for transfer of the management, control and maintenance of the Honolulu Water and Sewer Works to and by said Board of Commissioners, for the reason that I have considerable doubt as to the constitutionality of this bill, and also as to the policy of adopting the suggestion set forth in this bill at this session of the Legislature.

In view of the above, I therefore am unable to concur in the majority report.

Respectfully submitted,

CECIL BROWN,  
Member, Judiciary Committee,

April 20, 1911.

Upon motion by Senator Fairchild, seconded by Senator Judd, consideration of the Reports was deferred until Friday, April 21, 1911.

Senator Judd presented a Majority and Minority Report (No. 280) from the Judiciary Committee on House Bill No. 193, as follows:

## REPORT ON HOUSE BILL NO. 193.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 193, Relating to Harbors, their management, control, improvement and regulation, begs leave to report as follows:

The purposes of this bill are to create a Board of Harbor Commissioners, to be composed of five members, of which the Superintendent of Public Works shall be chairman ex-officio, and to turn over to this Board the powers and duties heretofore imposed upon the Superintendent of Public Works, relative to harbors, harbor improvements, ports, docks, wharves and shipping throughout the Territory.

Constitutional objections have been urged before this Committee against this bill, but after a very thorough and careful



consideration of the provisions of this bill and of the Organic Act, your Committee is of the opinion that it is well within the power of the Legislature under the Organic Act to modify the powers and duties of the Superintendent of Public Works as is done by this bill.

After careful investigation of this matter your Committee finds that it is inadvisable to continue the control and management of the harbors, wharves, shipping, etc., in the Territory in the hands of a single man, and especially so when this man is not able to devote his entire time and attention to these matters, because of numerous other duties cast upon him, and which require his constant attention, but that on the other hand it is highly desirable to turn these matters over to a Board such as is provided for in this bill. Also with the management and control of these matters vested in a Board of five members there is less likelihood of there being an arbitrary exercise of executive power in any instance, and further that the public generally, and the business and shipping men in particular, will be able to present their side of disputed questions with more assurance of full hearing and proper consideration, and even when questions are decided against them will be better satisfied than they are when the sole power is vested in one man, however capable and efficient he may be, with no appeal or relief from his decisions. The business and shipping men are in favor of this measure, it meets with their approval, and they believe that it will work out to the mutual advantage of the shipping interests, and the Territory, and will make for efficiency of administration, also that it is a wise provision for the future.

Your Committee therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

R. H. MAKEKAU,

April 20, 1911.

#### MINORITY REPORT ON HOUSE BILL NO. 193.

To the Honorable Eric A. Knudsen,  
President of the Senate.

I do not concur with the majority report of the Judiciary Committee on House Bill No. 193, Relating to Harbors, their

management, control, improvement and regulations for the reason that I have considerable doubt as to the constitutionality of this bill, and also as to the policy of adopting the suggestions set forth in the bill at this session of the Legislature.

In view of the above I therefore am unable to concur in the majority report.

Respectfully submitted,

CECIL BROWN,

April 20, 1911.

Member of Judiciary Committee.

Upon motion by Senator Judd, seconded by Senator C. Brown, consideration of the Reports was deferred until Friday, April 21, 1911.

Senator Judd presented a Report (No. 281) from the Judiciary Committee, recommending the passage of House Bill No. 207, as follows:

REPORT ON HOUSE BILL NO. 207.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 207, to Repeal Sections 1676, 1689, 1690 and 1691, and to amend Section 1688 of the Revised Laws of Hawaii, Relating to the duties of Clerks of Courts of Record, begs leave to report as follows:

House Bill No. 74, made certain changes in our statutes relating to Supreme and Circuit Court Clerks. This bill passed the House of Representatives and Senate, and has been approved and signed by the Governor as Act 84 of the Laws of 1911. It has been found that Act 84 does not cover the entire ground, and that there now exists some inconsistencies on our statute books on this subject. House Bill No. 207 was therefore introduced for the purpose of amending other sections of the Revised Laws to make them harmonious with Act 84.

After a careful examination of this bill your Committee finds that the changes sought to be made are necessary and desirable, and therefore recommends the passage of the bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 20, 1911.

Committee.

Upon motion by Senator Kalama, seconded by Senator J. T. Brown, the Report of the Committee was adopted; House Bill No. 207 passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 21, 1911.

Senator Judd presented a Report (No. 282) from the Judiciary Committee, recommending the tabling of House Bill No. 222, as follows:

**REPORT ON HOUSE BILL NO. 222.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 222, To Amend Section 1 of Act 152 of the Laws of 1909, Relating to the Disposition of Fines, Costs and Bail Moneys in certain cases, begs leave to report as follows:

The purposes of this bill are fully covered by Senate Bill No. 47, which bill has passed both the Senate and House of Representatives, and approved by the Governor as Act 104 of the laws of 1911. There therefore being no need of the present bill your Committee recommends that the bill be tabled.

Respectfully submitted,

**JUDICIARY COMMITTEE.**

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,

April 20, 1911.

Committee.

Upon motion by Senator Kalama, seconded by Senator J. T. Brown, the Report of the Committee was adopted, and House Bill No. 222 was tabled.

Senator Judd presented a Report (No. 283) from the Judiciary Committee, recommending the tabling of House Bill No. 243, as follows:

**REPORT ON HOUSE BILL NO. 243.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 243, Fixing the Liability of a Bank to its Depositors for

payment of forged or raised checks, begs leave to report as follows:

The object of this bill is to fix one year as the limit of time within which a depositor may, after receipts of vouchers, make claim against a bank for the payment of a forged or raised check.

After careful investigation and consideration your Committee is of the opinion that there exists no necessity for a bill of this nature. Your Committee is further of the opinion that if any time should be fixed by statute it should not be longer than say 60 days, and that a more reasonable time would be 30 days.

Your Committee finding no necessity for this measure recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE.

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 20, 1911.

Upon motion by Senator Kalama, seconded by Senator Fairchild, the Report of the Committee was adopted and House Bill No. 243 was tabled.

Senator Judd presented a Report (No. 284) from the Judiciary Committee, recommending the passage of House Bill No. 248, as follows:

REPORT ON HOUSE BILL NO. 248.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 248, Relating to Inheritance Tax, amending Sections 5 and 12 of Act 102 of the Session Laws of 1905, as amended by Sections 2 and 3 Respectively of Act 147 of the Session Laws of 1909, begs leave to report as follows:

The purposes of this bill are to amend our present statutes by eliminating the proviso at the end of Section 2 of Act 147 of the laws of 1909, by making more certain the date at which the property of a decedent shall be appraised, and by provid-

ing a more certain method of fixing the value of certain negotiable securities.

Upon investigation your Committee finds that all of these changes are desirable, and have been found by the administrative officers of the government to be necessary.

Your Committee therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 20, 1911.

Upon motion by Senator Judd, seconded by Senator Fairchild, the Report of the Committee was adopted; House Bill No. 248 passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 21, 1911.

Senator Judd presented a Report (No. 285) from the Judiciary Committee, recommending the passage of House Bill No. 260, as follows:

#### REPORT ON HOUSE BILL NO. 260.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 260, to Amend Chapter 190 of the Revised Laws of Hawaii, by amending Section 2929 thereof, and by adding two new sections to be known as Sections 2929A and 2929B, begs leave to report as follows:

The purpose of this bill is to remedy defects in the criminal statutes of the Territory which have been found to exist as the result of recent cases in our Courts. The amendments made by this bill cover cases of indecent and improper liberties taken with the person of a female child under the age of 12 years, without committing or intending to commit the crime of rape.

Upon investigation your Committee finds that there is great



need of these amendments to our statutes, and therefore recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 20, 1911.

Committee.

Upon motion by Senator Chillingworth, seconded by Senator Kalama, the Report of the Committee was adopted; House Bill No. 260 passed Second Reading, and was placed on the Calendar for Third Reading on Friday, April 21, 1911.

Senator C. Brown presented a Majority and Minority Report (No. 36) from the Special Committee on House Bills Nos. 231 and 232, as follows:

REPORT ON HOUSE BILLS NOS. 231 AND 232.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Select Committee of the Oahu Members, to whom was referred House Bill No. 231, To amend Chapter 66 of the Revised Laws of the Territory of Hawaii, Relative to Honolulu Rapid Transit, and to extend the franchise thereof, and House Bill No. 232, to Amend Chapter 66 of the Revised Laws of the Territory of Hawaii, Relative to Honolulu Rapid Transit, begs leave to report as follows:

After careful investigation your Committee is of the opinion that the amendments to Chapter 66 of the Revised Laws contained in these two bills should all be incorporated in one bill, the amendments all relating to the same subject, and there appearing no good reason why they should thus be separated, and there appearing many good reasons why they should all stand or fall together. If the bills are passed in their present form it might happen through some unforeseen contingency only one of them might be accepted by the Rapid Transit Company, in which event there would result an unjust advantage, either to the company, or to the public as the case might be. For this reason and for other reasons your Committee recommends as follows:

That the following amendments be made to House Bill No. 231.

First: That after Section 2, there be inserted a new Section 3, to read as follows:

"Section 3. That the first paragraph of Section 837 of said Revised Laws, being a section of said Chapter Sixty-six, shall be and the same is hereby amended by striking out the second proviso in the first paragraph of said section and inserting the following in place thereof:

'and further provided that the said railway, or any part thereof, between Diamond Head and the Western boundary of Kalihi, and between the sea coast on the one side and a line drawn parallel thereto approximately a mile and a half distant therefrom upon the other side, shall not be operated with cars propelled by the use of steam or animal power, but it shall be lawful to operate the same with power developed by the use of internal combustion engines between the hours of 11 P. M. and 7 A. M., and at such other times as may be approved by the Superintendent of Public Works.' "

That after the end of the foregoing new Section 3, there be added Section 4 to read as follows:

"Section 4. That paragraph 1 of Section 843 of said Revised Laws is hereby amended by striking therefrom the words "one and a half" and inserting in lieu thereof the word "three." and inserting after the words "Diamond Head" in said paragraph the words "20th Avenue."

The foregoing Sections 3 and 4 correspond to Sections 1 and 2 of House Bill No. 232.

Second: That Section 1 of House Bill No. 231 be amended by striking out the figures "1930" in line 4 thereof, and inserting in lieu thereof the figures "1940." This extends the time when the Legislature of Hawaii may terminate the franchise of the Honolulu Rapid Transit and Land Company, and purchase from it its property. This change is considered desirable since the present franchise terminates in 1930, and if the Legislature could step in in 1930, and terminate the franchise then this present bill, if approved by Congress and accepted by the company, might very possibly result in no extension of the franchise at all, in which view of the matter it is very probable that the Rapid Transit Company would not care to accept the terms of this bill, since there would always be the possibility before them of not getting anything in the way of extension in return for what they conceded in the way of the impairment of their present rights and privileges. With this amendment extending the time to 1940, it is believed that it would be acceptable to the company and is equally fair to the public.

Third: That after the end of the foregoing new Section 4 there be added Section 5 to read as follows:

"Section 5. That Section 864, 'Franchise subject to What,' of said Revised Laws, being a section of said Chapter Sixty-six,

shall be and the same is hereby amended by adding thereto at the end thereof a new subdivision to be numbered 4 and to read as follows:

'4. This franchise may at any time, after January 1, 1930, be amended or repealed by the Congress of the United States or by the Legislature of the Territory of Hawaii with the approval of the Congress of the United States.' "

This amendment is considered by your Committee to be a very desirable one. A similar provisions was inserted in Senate Bill No. 39, Granting a Franchise for the Construction, Maintenance and Operation of a Street Railway System in the District of South Hilo, County of Hawaii, in Section 18 thereof. This bill has been passed by the Legislature and signed by the Governor as Act 66 of the laws of 1911. It is also the provision which is inserted in similar franchises and extensions of franchise in the United States generally, and is considered everywhere a desirable and necessary provision for the protection of the public. Your Committee is therefore of the opinion that it is only just and proper that this provision should be inserted in any extension of franchise which may be granted to the Rapid Transit Company.

Fourth: That Section 3 of House Bill No. 231, be renumbered Section 6.

This amendment is rendered necessary because of the other amendments which have been recommended by your Committee in this report.

In view of the foregoing your Committee recommends that House Bill No. 232 be tabled, its provisions having been incorporated in House Bill No. 231, by the amendments recommended in this report.

After a careful consideration of House Bill No. 231, and the amendments which have been made thereto by this report, your Committee is of the opinion that it will accomplish the purposes desired, that the rights of the public are properly safeguarded, and that the bill as amended is a wise measure from whatever standpoint viewed.

Your Committee in view of the foregoing recommends that House Bill No. 231, as amended, be passed.

Respectfully submitted,

SELECT COMMITTEE OF OAHU MEMBERS.

CECIL BROWN,

Chairman.

ALBERT F. JUDD,

A. S. KALEIOPU,

CHAS. F. CHILLINGWORTH,

I do not concur

April 20, 1911.

E. W. QUINN,



Upon motion by Senator Kaleiopu, seconded by Senator Fairchild, the Majority Report of the Committee was adopted. House Bill No. 232 was tabled. House Bill No. 231 passed Second Reading as amended by the Committee, and was placed on the Calendar for Third Reading on Friday, April 21, 1911.

At this juncture, Senator Makekau moved that the Special Committee on House Bill No. 66 report the Bill back to the Senate; seconded by Senator Chillingworth, whereupon the Bill was referred to the Judiciary Committee upon motion by Senator Chillingworth, seconded by Senator Judd.

A Communication (No. 273) from the House of Representatives, transmitting House Bill No. 209, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 209, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours.

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 209, entitled "An Act to Amend Section 1221 of the Revised Laws of Hawaii, as Amended by Act 141 of the Session Laws of 1909, Relating to Property Exempt from Taxation."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 274) from the House of Representatives, transmitting House Bill No. 250, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 250, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 250, entitled "An Act to Amend Sections 2180 and 2181 of the Revised Laws of Hawaii, Relating to the Enforcement of Sale Under an Agistor's Lien."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 275) from the House of Representatives, transmitting House Bill No. 264, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 264, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 264, entitled "An Act to Protect the Purchasers from Fraudulent Conveyances of Personal Property."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator J. T. Brown presented a Report (No. 286) from the Printing Committee, stating that Senate Concurrent Resolution No. 10 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator C. Brown for the Senate Conference Committee on House Bill No. 219 reported verbally, recommending that the Committee be relieved of further responsibility and that a new Committee be appointed.

The Report of the Committee was adopted, whereupon the Chair named Senators Chillingworth, Quinn and Fairchild as Senate Conferees for the further consideration of House Bill No. 219.

Senator Judd gave notice of his intention to introduce a Bill entitled "An Act to Amend Section 1798 of the Revised Laws, Relative to Charges to Jury."

Under suspension of the rules, Senator Judd introduced Senate Bill No. 138, entitled "An Act to Amend Section 1798 of the Revised Laws, Relative to Charges to Jury."

Under suspension of the rules the Bill was read throughout, passed First Reading and was referred to the Judiciary Committee.

At 11:30 o'clock A. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FIFTY-SIXTH DAY.

Friday, April 21, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Fifty-fifth Day was read and approved.

A Communication (No. 61) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 112 and 114, and House Bill No. 191, was read by the Clerk as follows:

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 20, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 112, as Act 107, entitled "An Act to Regulate the Importation and Sale of Seed Into and Within the Territory of Hawaii;"

House Bill No. 191, as Act 108, entitled "An Act to Amend Section 2161 of the Revised Laws of Hawaii, Relating to Notices of Foreclosure of Mortgages Under Power of Sale;

Senate Bill No. 114, as Act 109, entitled "An Act Making Special Appropriation to Compensate Yee Yap for the Damages Suffered by Him by Reason of the Defective Title of Land Conveyed to Him by Land Patent (Grant) Number 61, Department of Public Works."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 62) from the Chief Clerk of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bill No. 122, and House Bills Nos. 135, 225, 247, 262, 257, and 228, was read by the Clerk as follows:

**EXECUTIVE BUILDING.**

**Secretary of Hawaii.**

Honolulu, T. H., April 20, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

House Bill No. 135, as Act 110, entitled "An Act to Provide a Close Season for the Protection of the Fish Known as Ama-ama."

Senate Bill No. 122, as Act 111, entitled "An Act Relating to Abatement of Nuisances, Amending Sections 994, 995, 997 and 1,000 of the Revised Laws, Adding a New Section Thereto to be Known as Section 995A, and Repealing Sections 996, 1001 and 1002 Thereof;"

House Bill No. 225, as Act 112, entitled "An Act to Amend Chapter 83 of the Revised Laws of Hawaii, Relating to Insanitary Land, by Amending Sections 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032 and 1033, and Adding a New Section to be Known as 1029A;"

House Bill No. 247, as Act 113, entitled "An Act to Further Provide for the Care and Medical Treatment of Persons Afflicted with Leprosy;"

House Bill No. 262, as Act 114, entitled "An Act to Authorize the Reduction of Capital and of Capital Stock of Corporations."

House Bill No. 257, as Act 115, entitled "An Act to Amend Sections 2196 and 2198 of the Revised Laws of Hawaii, Relating to Arbitration;"

House Bill No. 228, as Act 116, entitled "An Act to License and Regulate Billboards and Outdoor Advertising."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 63) from the Attorney General, acknowledging receipt of Resolution No. 24, was read by the Clerk as follows:

**OFFICE OF THE ATTORNEY GENERAL.**  
The Capitol, Honolulu, Hawaii.

April 21, 1911.

Honorable E. A. Knudsen,  
President of the Senate of the  
Territory of Hawaii.

Sir:—

I have the honor to acknowledge receipt of a copy of House Concurrent Resolution No. 24, whereby the Attorney General and the Commissioner of Public Lands are directed to forthwith proceed to take all such legal steps as may be required for the purpose of adjudicating the matter of the Waiohine Spring Water Rights in the District of Kau, Island of Hawaii. In obedience to said Concurrent Resolution, this matter shall have my immediate attention.

Respectfully,

ALEXANDER LINDSAY, JR.,  
Attorney General.

The Communication was received and placed on file.

A Communication (No. 276) from the House of Representatives, returning Senate Bill No. 129, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 129, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 277) from the House of Representatives, returning Senate Bill No. 55, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 55, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 278) from the House of Representatives, notifying the Senate of its non-concurrence in the amendment made to House Bill No. 165, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the Senate amendment to House Bill No. 165, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Commit-

tee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Affonso, Kawewehi and Correa.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, whereupon the Chair appointed Senators Makekau, Quinn and Kalamana as Senate Conferees for the further consideration of the Bill.

A Communication (No. 279) from the House of Representatives, notifying the Senate of its non-concurrence in the amendment made to House Bill No. 218, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 218 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 280) from the House of Representatives, notifying the Senate of its non-concurrence in the amendments made to House Bill No. 229, was read by the Clerk as follows:



## SENATE JOURNAL.

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the House of Representatives of the Territory of Hawaii this day failed to concur in the Senate amendments to House Bill No. 229, and that the Speaker of the House has appointed the following as a Conference Committee to act with a like Committee to be appointed by the President of the Senate for the further consideration of said Bill:

Representatives Fernandez, Watkins and Rickard.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, whereupon the Chair appointed Senators C. Brown, Baker and Pali as Senate Conferees for the further consideration of the Bill.

A Communication (No. 281) from the House of Representatives, returning Senate Bill No. 123, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 123, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 282) from the House of Representatives, returning Senate Bill No. 131, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 131, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 283) from the House of Representatives, returning Senate Bill No. 22 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 22, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Under the head of "The Secretary" insert a new sub-head and item after the item

"Printing, binding, indexing, advertising.....1,200.00"  
to read

**"Hawaiian Birth Registration:**

**Expenses of .....8,000.00"**

Under the sub-head "Election" decrease the item "Expenses of" from "\$13,000.00" to "\$10,000.00."

Under the sub-head "Promotion" increase the item "Support of" from "6,000.00" to "12,000.00."

Under the head of "Permanent Settlements" strike out the item

**"Mrs. Kamakani Simeona (\$16.66-2/3) .....400.00."**

Amend the total under the head of "Permanent Settlements" by striking out the figures "2,000.00" and inserting in lieu thereof the figures "1,600.00."

Under the head of "Attorney General's Department" decrease the item

**"Expenses" from "10,000.00" to "9,000.00."**

Amend the total under this head by striking out the figures "31,000.00" and inserting in lieu thereof the figures "30,000.00."

Under the sub-head "High Sheriff, Prisons" insert a new item after the item

**"High Sheriff, Warden Territorial Prison (\$225.00) 5,400.00" to read**

**"Deputy High Sheriff and Clerk (\$150.00) .....3,600.00."**

Under the sub-head of "Guards and Lunas of Prisoners" decrease the item

**"Territorial Prison" from "40,000.00" to "36,000.00."**

Amend the total under the sub-head "High Sheriff, Prison" by striking out the figures "103,400.00" and inserting in lieu thereof the figures "103,000.00."

Under the head of "Auditing Department" amend the item

**"Auditor (\$325.00) .....7,800.00"**

so as to read

**"Auditor (\$300.00) .....7,200.00"**

Amend the total under this head by striking out the figures "22,200.00" and inserting in lieu thereof the figures "21,600.00"

Under the head of "Treasury Department" amend the item

**"Treasurer (\$325.00) .....7,800.00"**

so as to read

**"Treasurer (\$300.00) .....7,200.00"**

Amend the item

**"Registrar of Public Accounts (\$300.00) .....7,200.00"**

so as to read

**"Registrar of Public Accounts (\$250.00) .....6,000.00"**

Amend the item

**"Interest, Commission, Expenses, Public Debt..328,000.00"**

so as to read

**"Interest, Commission, Expenses, Public Debt 570,000.00"**

Amend the total under this head by striking out the figures

"365,800.00" and inserting in lieu thereof the figures "606,000.00."

Under the sub-head "Bureau of Taxes," First Taxation Division, Oahu" increase the item

"Deputy Assessors, Collectors, Clerks, Interpreters, Commissions and Expenses" from "53,000.00" to "55,000.00."

Increase the total under this sub-head from "63,800.00" to "65,800.00."

Under the sub-head "Second Taxation Division, Maui, etc." amend the item

"Assessor (\$200.00) .....4,800.00"  
so as to read

"Assessor (\$225.00) .....5,400.00"  
Increase the item

"Deputy Assessors, Collectors, Clerks, Interpreters, Commissions and Expenses" from "18,500.00" to "20,000.00."

Increase the total under this sub-head from "23,300.00" to "25,400.00"

Under the sub-head "Third Taxation Division, Hawaii" increase the item

"Deputy Tax Assessors, Collectors, Clerks and Commissions, including Expenses" from "27,000.00" to "28,500.00."

Increase the total of this sub-head from "32,400.00" to "\$33,900.00."

Under the sub-head "Fourth Taxation Division, Kauai and Niihau" amend the item

"Assessor (\$200.00) .....4,800.00"  
so as to read

"Assessor (\$225.00) .....5,400.00"  
Increase the item

"Deputies, Clerks, Interpreters, Commissions and Expenses" from "15,500.00" to "17,000.00."

Amend the total under this sub-head by striking out the figures "20,300.00" and inserting in lieu thereof the figures "22,400.00."

Amend the total under the head of "Bureau of Taxes" by striking out the figures "139,800.00" and inserting in lieu thereof the figures "147,500.00."

Under the head of "Bureau of Conveyances" amend the item

"Deputy Registrar (\$175.00) .....4,200.00"  
so as to read

"Deputy Registrar (\$165.00) .....3,960.00"  
Amend the item

"Expert Indexer (\$100.00) .....2,400.00"  
so as to read

"Expert Indexer (\$110.00) .....2,640.00"

Amend the head

"College of Agriculture and Mechanic Arts"

so as to read

"College of Hawaii."

Under the head of "Public Works," sub-head "General" amend the item

"Superintendent of Public Works (\$400.00) .....9,600.00"

so as to read

"Superintendent of Public Works (\$300.00) .....7,200.00"

Amend the total under the sub-head "General" by striking out the figures "39,600.00" and inserting in lieu thereof the figures "37,200.00"

Under the sub-head of "Government Property" amend the item

"Janitors (5 at \$40.00) .....4,800.00"

so as to read

"Janitors (5 at \$45.00) .....5,400.00"

Amend the total of sub-head "Government Property" by striking out the figures "16,680.00" and inserting in lieu thereof the figures "17,280.00."

Under the sub-head "Maintenance, Government Property" amend the item

"Oahu ..... 12,500.00"

so as to read

"Oahu ..... 12,500.00"

Amend the total under this sub-head by striking out the figures "18,000.00" and inserting in lieu thereof the figures "15,500.00."

Amend the total under sub-head "Government Property" by striking out the figures "49,716.00" and inserting in lieu thereof the figures "47,816.00"

Under the sub-head of "Territorial Town Lots" strike out the item

"Grading and Improving .....2,500.00"

Amend the total under this sub-head by striking out the figures "5,000.00" and inserting in lieu thereof the figures "2,500.00."

Under the sub-head of "Harbor Master, Honolulu" increase the item

"Expenses" from "350.00" to "600.00."

Amend the total under this sub-head by striking out the figures "8,750.00" and inserting in lieu thereof the figures "9,000.00"

Under the sub-head of "Pilots, Hilo" amend the item

"Pilot, Gunpowder and Kerosene Oil Keeper (\$200.00) 4,800"

so as to read

"Pilot (\$200.00) .....4,800.00"

Under the sub-head of "Pilot, Kahului" amend the item

"Pilot, Gunpowder and Kerosene Oil Keeper (\$200.00)....  
 ..... 4,800.00"  
 so as to read  
 "Pilot (\$200.00) ..... 4,800.00"  
 Strike out the item  
 "Keeper, Powder Magazine, Honolulu ..... 1,800.00"  
 under the head of "Public Works."  
 Under the head of "Public Lands" amend the item  
 "Commissioner of Public Lands (\$400.00) ..... 9,600.00"  
 so as to read  
 "Commissioner of Public Lands and President and Execu-  
 tive Officer of the Board of Agriculture and Forestry (\$300.00)  
 ..... 7,200.00"  
 Amend the total under this head by striking out the figures  
 "\$34,800.00" and inserting in lieu thereof the figures "32,400.00."  
 Under the head of "Survey" amend the item  
 "Surveyor (\$300.00) ..... 77,200.00"  
 so as to read  
 "Surveyor (\$275.00) ..... 6,600.00"  
 Decrease the item  
 "Officers, Employees, Expenses" from "27,000.00" to "25,-  
 000.00"  
 Amend the total under this head by striking out the fig-  
 ures "34,200.00" and inserting in lieu thereof the figures "31,-  
 600.00."  
 Strike out all items under the head of "Board of Agricul-  
 ture and Forestry" and under sub-heads of "Board," "Division  
 of Forestry," "Division of Entomology" and "Division of Ani-  
 mal Industry."  
 Under the head of "Board of Health" and sub-head "Gen-  
 eral" amend the item  
 "President (\$325.00) ..... 7,800.00"  
 so as to read  
 "President (\$300.00) ..... 7,200.00"  
 Decrease the item  
 "Secretary, Clerks, Stenographers, Janitors, Messengers,  
 Expenses" from "27,000.00" to "25,000.00"  
 Amend the total under sub-head of "General" by striking  
 out the figures "34,800.00" and inserting in lieu thereof the  
 figures "32,200.00"  
 Under the sub-head of "Sanitation" amend the item  
 "General Health and Sanitary Officer, Territory, (\$275.00)  
 ..... 6,600.00"  
 so as to read  
 "General Health and Sanitary Officer, Territory, (\$250.00)  
 ..... 6,000.00"  
 Amend the item  
 "District Sanitary Inspector,

Hawaii, (\$90.00) .....2,160.00”  
so as to read

“District Sanitary Inspector,  
East Hawaii (\$90.00) .....2,160.00”

After this item, insert two new items to read as follows:

“District Sanitary Inspector, West Hawaii (\$90.00) 2,160.00”  
“Sanitary Inspector, Hilo (\$75.00) .....1,800.00”

Decrease the item

“Expenses, Territory” from “12,000.00” to “10,000.00”

Amend the total under the sub-head of “Sanitation” by striking out the figures “61,560.00” and inserting in lieu there-  
of the figures “62,920.00.”

Under the sub-head of “Medical and Quarantine Service and  
Supplies” amend the item

“Bacteriologist and Pathologist (\$200.00) .....\$6,000.00”  
so as to read

“Bacteriologist and Pathologist (\$200.00) .....\$4,800.00”  
Amend the item:

“Pay of Government Physicians. Provided, however, that  
no salary shall be allowed or paid unless the physicians  
employed or appointed in the several districts to which  
they are appointed shall treat the indigent sick in such  
district or districts as the case may be to which they are  
appointed free of charge .....46,920.00”  
so as to read

“Pay of Government Physicians. Provided, however that  
no salary shall be allowed or paid unless the physicians  
employed or appointed in the several districts to which  
they are appointed shall treat the indigent sick in such  
district or districts as the case may to which they are  
appointed free of charge:

Hawaii .....	18,000.00	
Mau i .....	10,000.00	
Kauai .....	6,600.00	
Oahu . .....	5,400.00	40,000.00”

Strike out the item

“Prevention and Cure of Tuberculosis, including aid to Le-  
ahi Home .....50,000.00”  
and insert in lieu thereof the following items:

“Prevention and cure of Tuberculosis .....24,800.00”  
“Aid to Leahi Home .....18,000.00”  
“Aid to Maui County Farm ..... 4,800.00”  
“Aid to Tuberculosis Ward, Lihue Hospital..... 2,400.00”

Amend the total under the sub-head of “Medical and Quar-  
antine Service and Supplies” by striking out the figures  
“213,600.00” and inserting in lieu thereof the figures “205,-  
270.00.”

Under the sub-head "Care of Lepers and their Children" decrease the item

"Segregation, Hospitals, Maintenance and Improvements" from "202,000.00" to "200,000.00"

After the item

"Telephone System .....500.00"

insert the following items:

"Amusements .....2,000.00"

"Ice Plant .....5,000.00"

Amend the total under this sub-head by striking out the figures "385,340.00" and inserting in lieu thereof the figures "390,340.00"

Under the sub-head "Insane Asylum" insert a new item to read

"Superintendent (\$200.00) .....4,800.00"

Decrease the item "Pay Roll" from "39,500.00" to "36,000.00"

Amend the total under this sub-head by striking out the figures "91,200.00" and inserting in lieu thereof the figures "92,500.00."

Amend the Grand Total by striking out the figures "2,050,871.00" and inserting in lieu thereof the figures \$2,207,951.00."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Kalama, seconded by Senator Chillingworth, action on the amendments was deferred until Saturday, April 22, 1911.

A Communication (No. 284) from the House of Representatives, transmitting House Bill No. 84, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 84,



which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 84, entitled "An Act Relating to the Contracts of a Minor."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 285) from the House of Representatives, transmitting House Bill No. 265, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 265, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 265, entitled "An Act Making Additional Appropriations for the Biennial Period Ending June 30th, 1911."

The Bill passed First Reading by Title and was referred to the Committee on Ways and Means.

A Communication (No. 286) from the House of Representatives, transmitting House Bill No. 189, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 189, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 189, entitled "An Act to Amend Chapter 53 of the Revised Laws of Hawaii, as Amended by Act 13 of the Session Laws of 1911, Relating to Sidewalks."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 287) from the House of Representatives, transmitting House Concurrent Resolution No. 26, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 20, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 26, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

## HOUSE CONCURRENT RESOLUTION NO. 26.

WHEREAS, pursuant to the terms of the Organic Act, being "An Act to Provide a Government for the Territory of Hawaii," approved April 30, 1900, all private fishing rights in the sea waters of Hawaii under the Hawaiian law have now been established, and

WHEREAS, under said Organic Act the Attorney General of the Territory was directed to bring condemnation proceedings against the owners of such private rights to the end that the sea fisheries of Hawaii might be free to all citizens of the United States, and

WHEREAS, by reason of lack of funds, and the paramount claims of other matters of greater public importance, no appropriation of funds has been possible by the Territory for the purpose of acquiring such private fishing rights,

THEREFORE, BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring, that the Delegate from Hawaii to the Congress of the United States be and he hereby is requested to present to and advocate in said Congress the enactment of appropriate legislation to acquire from said private owners said sea fisheries for the benefit and enjoyment, free of charge, of all citizens of Hawaii, and

BE IT FURTHER RESOLVED that the Treasurer of the Territory of Hawaii, acting with the advice of the Attorney General, be and he hereby is instructed to prepare and forward to said Delegate a list of all such sea fisheries, the private ownership of which has been adjudicated, together with an estimate of the probable value of each, in order that said Delegate may prepare and introduce in said Congress the necessary legislation to carry out the spirit of this Resolution.

The Communication was received and placed on file, and the Concurrent Resolution was referred to the Judiciary Committee.

A Communication (No. 64) from the Chief Clerk of the Office of the Secretary of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 89, 132, 124, 128 and 129, and House Bill No. 2, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., April 21, 1911.

Honorable Eric A. Knudsen,  
President of the Senate, Legislature  
of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 89, as Act 117, entitled "An Act to Provide for the Issuance of Licenses for the Manufacture, Compounding and Preparation of Certain Food Products;"

Senate Bill No. 132, as Act 118, entitled "An Act to Prevent Tuberculosis and the Spread Thereof;"

House Bill No. 2, as Act 119, entitled "An Act to Amend Section 39 of Act 118 of the Session Laws of 1907, as Amended by Act 128 of the Session Laws of 1909;"

Senate Bill No. 124, as Act 120, entitled "An Act to Amend Chapter 13 of the Revised Laws of Hawaii, by Adding a New Section Thereto to be Known as Section 118A, Providing for the Collection of Certain Debts Due the Territory or Any Political or Municipal Subdivision Thereof by Public Officers and Employees;"

Senate Bill No. 128, as Act 121, entitled "An Act Providing for the Sale of Real Property by Executors and Administrators, Amending Section 1855 of the Revised Laws of Hawaii, and Adding to said Revised Laws Two New Sections to be Known as Sections 1855A and 1855B;"

Senate Bill No. 129, as Act 122, entitled "An Act to Amend Chapter 147 of the Revised Laws of Hawaii, by Adding Thereto a New Section, to be Known as Section 2284A, and to Repeal Section 2 of Act 43 of the Session Laws of 1905, Relating to the Widow's Election of Dower."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.  
A Communication (No. 288) from the House of Representa-

tives, transmitting House Joint Resolution No. 8, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 21, 1911.

To the Honorable President and  
Members of the Senate  
of the Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Joint Resolution No. 8, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

**HOUSE JOINT RESOLUTION NO. 8.**

WHEREAS, there is now stored in the Archives Building of the Territory of Hawaii, a certain chest of silverware that was used in the Palace during the reign of His Majesty, King Kalakaua; and

WHEREAS, no good purpose can be served by retaining said chest of silverware in the custody of the Government; and

WHEREAS, it is peculiarly appropriate that said silverware should be available for use by the successor in family and estate of his said Majesty, King Kalakaua, to wit: HONORABLE JONAH KUHIO KALANIANAOLE and his heirs,

THEREFORE, BE IT RESOLVED by the Legislature of the Territory of Hawaii, Regular Session of 1911, that the Board of Commissioners of Public Archives is hereby authorized and directed to surrender and deliver to said Honorable Jonah K. Kalanianaole the said chest of silverware, for the use of him, the Honorable Jonah K. Kalanianaole, and his heirs.

The Communication was received and placed on file. House Joint Resolution No. 8 passed First Reading and was referred to the Judiciary Committee.

Senator J. T. Brown presented a Report (No. 287) from the

Printing Committee, stating that Senate Bill No. 138 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Senator Judd presented a Report (No. 37) from the Joint Conference Committee on House Bill No. 85, recommending the appointment of a new Committee, as follows:

Honolulu, T. H., April 20, 1911.

Honorable H. L. Holstein,  
Speaker of the House of Representatives, and

Honorable Eric A. Knudsen,  
President of the Senate.

Sirs:—

Your Special Joint Conference Committee on House Bill No. 85, introduced by Representative A. F. Tavares, entitled "An Act to Amend Section 6 of Act 33 of the Session Laws of 1909, Relating to Conservation and Immigration Tax," begs leave to report as follows:

Your Committee, having held several conferences on said Bill, has so far failed to agree, and is unable to recommend the final passage of same.

And your Committee now asks that it be discharged, and that a new Conference Committee be appointed by both Houses for the further consideration of said bill.

Respectfully submitted,

ALBERT F. JUDD,  
CECIL BROWN,  
JOHN T. BROWN,  
Senate Conferees.

CHAS. A. RICE,  
S. P. CORREA,  
E. A. C. LONG,  
House Conferees.

The Report of the Committee was adopted, whereupon the Chair appointed Senators Fairchild, Kaleiupu and Robinson as Senate Conferees for the further consideration of the Bill.

Senator Fairchild, for the Committee on Ways and Means, reported verbally on Senate Bill No. 36, recommending that the Senate do not concur in the House amendments to the Bill.

The Report of the Committee was adopted and the amendments were not concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Hewitt, Kalama, Kaleiopu, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: Senators Makekau and Pali.

Consideration of Governor's Message No. 9 vetoing House Bill No. 3, entitled "An Act to Provide for the Construction of Belt Roads."

Deferred until Saturday, April 22, 1911.

Senator Kalama, for the Special Committee on Senate Bill No. 119, reported verbally, recommending the tabling of the Bill.

The Report of the Committee was adopted and Senate Bill No. 119 was tabled.

Second Reading of House Bill No. 253, entitled "An Act to Amend Section 3 and to Repeal Section 7, Chapter 2 of Act 39 of the Session Laws of 1905, Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof."

Upon motion by Senator Chillingworth, seconded by Senator Baker, the Bill passed Second Reading, and was placed on the Calendar for Third Reading on Saturday, April 22, 1911.

Third Reading of House Bill No. 207, entitled "An Act to Repeal Sections 1676, 1689, 1690 and 1691, and to Amend Section 2688 of the Revised Laws of Hawaii, Relating to the Duties of Clerks of Courts of Record."

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 248, entitled "An Act Relating to Inheritance Tax, Amending Sections 5 and 12 of Act 102 of the Session Laws of 1905, as Amended by Sections 2 and 3 Respectively of Act 147 of the Session Laws of 1909."

Upon motion by Senator Judd, seconded by Senator Kaleiopu, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chilling-

worth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 260, entitled "An Act to Amend Chapter 190 of the Revised Laws of Hawaii, by Amending Section 2929 Thereof, and by Adding Two New Sections to be Known as Sections 2929A and 2929B.

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Fairchild.

At 11:49 o'clock A. M., the Senate stood in recess until 2:00 o'clock P. M.

### AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

A Communication (No. 65) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bill No. 55, was read by the Clerk as follows:

#### EXECUTIVE CHAMBER.

Secretary of Hawaii.

Honolulu, T. H., April 21, 1911.

Honorable Eric A. Knudsen,  
President of the Senate, Legislature  
of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed Senate Bill No. 55, as Act 123, entitled "An Act to Create a Department of Immigration, Labor and Statistics, Repealing Act 49 of the Session Laws of 1905, Relative to the Board of Immigration, and Amending Section 5 of Act 33 of the Session Laws of 1909, Relative to a Tax on Income for Immigration Purposes."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.



The Communication was received and placed on file.

Senator C. Brown moved to reconsider the action taken by the Senate at the morning session in deferring consideration of the House amendments to Senate Bill No. 22; seconded by Senator Judd, and carried.

Upon motion by Senator Makekau, seconded by Senator C. Brown, the amendments made by the House to Senate Bill No. 22 were not concurred on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 10.

Noes: None.

Absent and not voting: Senators Chillingworth, Hewitt, Kalamala, and Quinn.

The Chair thereupon appointed the Committee on Ways and Means as Senate Conferees for the further consideration of the Bill.

At this juncture, Senator Kaleiopu moved that consideration of the Majority and Minority Reports on House Bill No. 186 be deferred until Saturday, April 22, 1911. Seconded by Senator Fairchild, and carried.

Senator Judd moved that consideration of the Report of the Judiciary Committee on House Bill No. 193 be deferred until Saturday, April 22, 1911. Seconded by Senator Fairchild and carried.

Third Reading of House Bill No. 231, entitled "An Act to Amend Chapter Sixty-six of the Revised Laws of the Territory of Hawaii Relative to Honolulu Rapid Transit, and to Extend the Franchise Thereof."

Upon motion by Senator Makekau, seconded by Senator Kaleiopu, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 10.

Noes: None.

Absent and not voting: Senators Chillingworth, Hewitt, Kalamala, and Quinn.

Second Reading of House Bill No. 246, entitled "An Act to Regulate the Storage of Explosives."

The Bill was referred to the Printing Committee.

Senator Judd presented a Report (No. 38) from the Joint Conference Committee on House Bill No. 48, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, T. H., April 21, 1911.

Honorable H. L. Holstein,  
Speaker of the House of Representatives.

Honorable E. A. Knudsen,  
President of the Senate.

Sirs:—

Your Committee of Conference on the disagreeing votes of the two Houses on House Bill No. 48, entitled "An Act to Amend Act 55 of the Laws of 1909, Relating to the Acquisition of Property for Public Purposes," begs leave to report as follows:

The bill passed the House with the following words, after the word "may" in line 7 of Section 1; "with the approval of the Land Board." The Senate amended the bill by striking therefrom the said words.

Therefore your Committee having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

(1) That the Senate recede from its amendment.

(2) That after the word "may" in line 7 of Section 1 of said Bill, the following words be inserted "with the approval of the Governor."

Respectfully submitted,

ALBERT F. JUDD,  
R. H. MAKEKAU,  
CECIL BROWN,

Conferees on the part of the Senate.

ALFRED L. CASTLE,  
CHAS. KANEKOA,  
EDWARD WAIAHOLO,

Conferees on the part of House of Representatives.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Hewitt, Kalama, and Quinn.

Senator Judd presented a Report (No. 288) from the Judiciary Committee, recommending the tabling of Senate Bill No. 86, as follows:

**REPORT ON SENATE BILL NO. 86.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 86, to Amend Section 1035 of the Revised Laws of Hawaii, as amended by Section 1 of Act 21 of the Session Laws of 1905, Relating to cleaning of streets, removal of garbage, dead animals and other nuisances, cleaning of cesspools and making sewer connections in any city, town or village in the Territory of Hawaii, and to regulate rates and charges for such services, begs leave to report as follows:

The statutes sought to be amended by this bill are repealed by House Bill No. 224, which has this day been favorably reported by this Committee. Your Committee further finds that most of the matters covered by Section 1035 of the Revised Laws as amended by Act 21 of the Laws of 1905, are covered by Acts 98 and 99 of the Session Laws of 1909, and that the remaining matters are fully covered in House Bill No. 224, above referred to.

Your Committee therefore recommends that this bill be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 21, 1911.

The Report of the Committee was adopted, and Senate Bill No. 86 was tabled.

Senator Judd presented a Report (No. 289) from the Judiciary Committee, recommending the tabling of Senate Bill No. 87, as follows:

**REPORT ON SENATE BILL NO. 87.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred Senate Bill No. 87, To Amend Sections 1036 and 1037 of the Revised Laws of Hawaii, relating to Regulation and payment of Sewer Rates, begs leave to report as follows:

The matters intended to be covered by this bill are more fully covered in House Bill No. 224, which bill is favorably reported by this Committee this day, and which is drawn with a view of remedying the defects in the present law as disclosed by a recent decision in the Supreme Court of this Territory. This bill is therefore unnecessary.

In view of the above your Committee recommends that this bill be tabled.

Respectfully submitted,

**JUDICIARY COMMITTEE.**

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 21, 1911.

The Report of the Committee was adopted, and Senate Bill No. 87 was tabled.

Senator Judd presented a Report (No. 290) from the Judiciary Committee, recommending the passage of House Bill No. 209 with certain amendments, as follows:

**REPORT ON HOUSE BILL NO. 209.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 209, To Amend Section 1221 of the Revised Laws of Hawaii as amended by Act 141 of the Session Laws of 1909, Re-

lating to Property Exempt from Taxation, begs leave to report as follows:

This bill seeks to add to the list of property exempt from taxation a portion of the property of Young Men's and Young Women's Christian Associations.

Since the Legislature of Hawaii has adopted the policy of granting taxation exemption to education and religious institutions your Committee is of the opinion that it is in accord with this policy to pass this measure which grants a partial exemption to the Young Men's and Young Women's Cristian Associations, on the ground that these two institutions are partly religious and educational, and to that extent under this policy should receive the same taxation exemption.

Your Committee recommends that the last three lines of Section 1, being the last sentence in this section should be deleted. The exemption intended to be granted is clearly set forth in the preceding sentence if standing alone, but with this last sentence added there arises a doubt as to what the extent of the exemption shall be. In fact upon a careful reading it appears to extend the exemption much beyond the limits intended. Your Committee is therefore of the opinion that the last three lines of Section 1 be stricken out, and so recommends.

For the reasons above given your Committee recommends that this bill be passed as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 21, 1911.

Upon motion by Senator Judd, seconded by Senator Kaleiopu, the Report of the Committee was adopted; House Bill No. 209 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Saturday, April 22, 1911.

Senator Judd presented a Report (No. 291) from the Judiciary Committee, recommending the passage of House Bill No. 224 with certain amendments, as follows:

## REPORT ON HOUSE BILL NO. 224.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 224, Relating to Sewers and Garbage, Repealing Chapter 84 of the Revised Laws and Act 21 of the Laws of 1905, and establishing rates for the use of the Honolulu Sewers, begs leave to report as follows:

This bill is drawn with a view to remedying the defects in the present statutes as disclosed by the decision of the Supreme Court of Hawaii, recently handed down in the McCandless case.

After investigation your Committee finds that the rates provided for in this bill are reasonable, and that the whole subject of the charges for the use of the sewers is comprehensively covered. Chapter 84 of the Revised Laws having been found defective, as above indicated, is repealed. Act 21 of the Laws of 1905 is also repealed since the matters therein covered have been by Acts 98 and 99 of the Laws of 1909 made County and City and County matters, and there is therefore no necessity for keeping this law upon our statute books.

Your Committee is of the opinion that Section 5 of this bill as drawn is defective in that there is no provision for charges for unmetered use of sewers from July 1, 1911, to January 1, 1912, and your Committee therefore recommends the following amendment to this section.

Add the following phrases at the end of this Section:

"Charges for unmetered use of the sewers for the six months beginning July 1, 1911, and ending January 1, 1912, shall be due and payable in advance on July 1, 1911."

Your Committee recommends that Section 10 of this bill be amended by striking out the word and figure "July 1," and inserting in lieu thereof the word and figures "June 30,"

This amendment is made for the reason that in this bill certain powers and duties are imposed upon the Superintendent of Public Works, while House Bill No. 186, now before the Senate, provides for turning over to a Board of Commissioners the powers and duties imposed upon the Superintendent of Public Works relating to the Honolulu Water and Sewer Works. This Bill 186 provides that it shall take effect July 1, 1911. Should both bills pass and both take effect July 1, 1911, there may arise doubt as to the powers and duties of the Superintendent of Public Works, and this Board of Commissioners. If this bill No. 224 is passed to take effect June 30, 1911, no such doubt can arise.

For the reasons above given your Committee recommends that this bill be passed as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 21, 1911.

Committee.

Upon motion by Senator Judd, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 224 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Saturday, April 22, 1911.

Senator Judd presented a Report (No. 292) from the Judiciary Committee, recommending the passage of House Bill No. 264 with one amendment, as follows:

REPORT ON HOUSE BILL NO. 264.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 264, To protect purchasers from fraudulent conveyances of Personal property, begs leave to report as follows:

Upon investigation your Committee finds that this bill is taken from the Revised Statutes of Massachusetts, 1902, Chapter 208, Sections 68 to 73, both inclusive.

After careful consideration your Committee is of the opinion that this is a wise measure, that there is need of legislation of this character, and that the financial institutions advocate the passage of this bill.

Your Committee recommends that the words "In Jail" be stricken out of the last line of Section 4 of the bill, those words being considered unnecessary, and adding nothing to the section.

In view of the above your Committee recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 21, 1911.

Committee.

Upon motion by Senator C. Brown, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 264 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Saturday, April 22, 1911.

Senator Fairchild presented a Report (No. 293) from the Committee on Ways and Means, recommending the passage of House Bill No. 235, as follows:

**SENATE CHAMBER.**

Honolulu, April 21, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 235 entitled "An Act for the Relief of Captain A. N. Tripp," has had same under careful consideration and begs leave to report as follows:

The bill seeks to refund the moneys paid by Capt. Tripp for certain claims for damages resulting from accidents caused by moving and docking vessels in the harbor of Honolulu within one year last past. From investigations made, the Committee has found that Harbor Masters in Hawaii have always been compelled to pay damage claims resulting as above through lack of funds for that purpose. The custom prevailed here from the time when all wharfage and pilotage fees were perquisites of the Harbor Masters and Pilots. These perquisites amount to a very large sum. But for some time past, these fees have been made government realizations—the Pilots and Harbor Masters were paid from appropriations made, without any funds for payment of "accident claims" which are bound to occur.

Hawaii, it is said, is the only marine commercial section that fails in making a provision for repairs for accidental damages or other marine injury done through the acts of its officers.

The revenues received by the government from the service of Harbor Masters, Honolulu, for the past 9 years (1902 to 1910) amounted to \$331,182.98—against which there is no charge for "accident claims." The Harbor Masters themselves, in a large measure are to blame for permitting this state of affairs to exist so long.

The Superintendent of Public Works in a letter urges the granting of the relief sought by this Bill.



Your Committee therefore recommends the passage of the bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON,  
JOHN T. BROWN,  
E. W. QUINN,  
CECIL BROWN,

Upon motion by Senator C. Brown; seconded by Senator Robinson, the Report of the Committee was adopted; House Bill No. 235 passed Second Reading, and was placed on the Calendar for Third Reading on Saturday, April 22, 1911.

A Communication (No. 289) from the House of Representatives, returning Senate Bill No. 127 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES,

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 127, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Strike out all of Section 7 of said Bill.

Renumber Section 8, as "Section 7."

Strike out all of Section 9.

Renumber Section 10 as "Section 8."

Renumber Section 11 as "Section 9."

Renumber Section 12 as "Section 10."

Renumber Section 13 as "Section 11."

Renumber Section 14 as "Section 12;" and in line 2 thereof after the figures "13" insert the words and figures "of Act 89."

Renumber Section 15 as "Section 13."

Strike out all of Section 16, and insert in lieu thereof the following:

"Section 14. Section 1265 of the Revised Laws of Hawaii, as amended by Section 15 of Act 89 of the Session Laws of 1905, is hereby amended to read as follows:

'Section 1265. Penalty. A penalty of ten per cent. shall be added by the Assessor to the amount of all delinquent taxes in excess of Twenty Dollars (\$20.00), which penalty shall be and become a part of such tax and be collected as a part thereof. All delinquent taxes shall bear interest at the rate of ten per cent. from the expiration of fifteen days from the date of delinquency until paid, which interest shall be and become a part of such tax and be collected as a part thereof.

No tax payer shall be exempt from delinquent penalties by reason of having made an appeal on his assessment; but no delinquent penalty shall attach to the amount of the tax on the actual amount in dispute until ten days after such appeal shall be finally decided, the amount in dispute being the exemption claimed or the difference between the amount returned by the tax payer and the amount assessed.' "

Renumber Section 17 as "Section 15."

Renumber Section 18 as "Section 16."

Renumber Section 19 as "Section 17."

Renumber Section 20 as "Section 18."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Makekau, seconded by Senator C. Brown, the amendments to Senate Bill No. 127 were not concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Judd, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 10.

Noes: None.

Absent and not voting: Senators Chillingworth, Hewitt, Kalamama, and Quinn.

Whereupon the Chair appointed Senators Judd, C. Brown and Makekau as Senate Conferees for the further consideration of the Bill.

A Communication (No. 290) from the House of Representatives, returning Senate Bill No. 85, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 85,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
A Communication (No. 291) from the House of Representa-  
tives, returning Senate Bill No. 130 with one amendment, was  
read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 130,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii with the following amend-  
ment:

Strike out the words "collection and disposition of garb-  
age refuse and excrement" in lines 10 and 11 of Section 2.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Baker, the amendments to Senate Bill No. 130 were concurred in on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Kaleiopu, Makekau, Robinson, and President Knudsen. Total, 8.

Noes: Senators Baker, Judd, and Pali. Total, 3.

Absent and not voting: Senators Hewitt, Kalama, and Quinn.

A Communication (No. 292) from the House of Representatives, transmitting House Bill No. 221, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 221, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 221, entitled "An Act in Relation to Enrollment of Political Parties, Primary Elections, Conventions and Political Committees in the City and County of Honolulu."

The Bill passed First Reading by Title and was referred to a Special Committee consisting of the Senators from Oahu.

A Communication (No. 293) from the House of Representatives, transmitting House Bill No. 244, was read by the Clerk as follows:

## SENATE JOURNAL.

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 224, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 244, entitled "An Act to Add a New Section to the Revised Laws, Numbered Section 1867A, Relating to the Entry of Judgment Upon Decisions by the Supreme Court Upon Exceptions or Reserved Questions."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 294) from the House of Representatives, transmitting House Bill No. 266, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 266, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 266, entitled "An Act to Prevent Deficiencies in Territorial General Revenues by Authorizing an Additional General Property Tax Therefor."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

A Communication (No. 295) from the House of Representatives, transmitting House Bill No. 268, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 268, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 268, entitled "An Act to Authorize Advancement of Moneys for Certain Public Improvements Out of General Revenues to be Reimbursed Out of Loan Funds."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator Chillingworth presented a Report (No. 39) from the Joint Conference Committee on House Bill No. 145, recommending the passage of the Bill, as follows:

Honolulu, T. H., April 21, 1911.

Honorable H. L. Holstein,  
Speaker, House of Representatives, and

Honorable Eric A. Knudsen,  
President of the Senate.

Sirs:—

Your Committee on Conference to whom was referred Sen-

ate amendments to House Bill No. 145, entitled "An Act making special appropriations to pay certain claims against the Territory of Hawaii," introduced by Representative Chas. A. Rice, beg leave to report as follows:

That said Committee, having met, after full and free conference have agreed to recommend and do recommend to their respective houses, that the House of Representatives adopt the amendments made by the Senate in and to the said House Bill, and agree to the Bill as passed by the Senate.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
DAVID K. BAKER,  
JOHN T. BROWN,  
Conferees on the part of the Senate.

CHAS. A. RICE,  
GEO. C. COOKE,  
NORMAN WATKINS,  
Conferees on the part of House of Representatives

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kaleiopu, Makekau, Pali, Robinson, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Hewitt, Kalama, and Quinn.

At 3:20 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FIFTY-SEVENTH DAY.

Saturday, April 22, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Fifty-sixth Day was read and approved.

A Communication (No. 296) from the House of Representatives, returning Senate Concurrent Resolution No. 6, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Resolution No. 6, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 297) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 48, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the



report of the Special Joint Conference Committee on House Bill No. 48, was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 298) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 85, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill No. 85 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 299) from the House of Representatives, notifying the Senate of the appointment of a Joint Conference Committee on House Bill No. 219, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that, in-

asmuch as the Special Joint Conference Committee on House Bill No. 219 has not yet reported to this House on said Bill, the Speaker of the House has this day ordered the same Conferencees to act on behalf of the House for the further consideration of said Bill, to wit:

Representatives Affonso, Rice and Mahoe.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 300) from the House of Representatives, notifying the Senate of the appointment of a Joint Conference Committee on Senate Bill No. 36, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to inform you that, in accordance with the non-concurrence of your Honorable Body in the amendments made by the House to Senate Bill No. 36, the Speaker of the House has this day appointed the following as a Conference Committee for the further consideration of said Bill:

Representatives Rice, Correa and Watkins.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

A Communication (No. 301) from the House of Representatives, notifying the Senate of the appointment of a Joint Conference Committee on Senate Bill No. 22, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to inform you that, in accordance with the non-concurrence of your Honorable Body in the amendments made by the House to Senate Bill No. 22, the Speaker of the House has this day appointed the following as a Conference Committee for the further consideration of said Bill:

Representatives Rice, Makekau, Watkins, Cooke and Correa.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 302) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 145, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 21, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill No. 145 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 303) from the House of Representa-

tives, notifying the Senate of the appointment of a Joint Conference Committee on Senate Bill No. 127, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 21, 1911.

**The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.**

Gentlemen:—

I have the honor to inform you that, in accordance with the non-concurrence of your Honorable Body in the amendments made by the House to Senate Bill No. 127, the Speaker of the House has this day appointed the following as a Conference Committee for the further consideration of said Bill:

Representatives Williamson, Watkins and Hale.

Very respectfully,

**EDWARD WOODWARD,  
Clerk, House of Representatives.**

The Communication was received and placed on file.

A Communication (No. 38) from Mr. Will J. Cooper, Secretary, enclosing copy of a Resolution adopted by the Oahu Central Improvement Committee relative to House Bill No. 269, was read by the Clerk as follows:

Honolulu, April 22, 1911.

**To the Honorable President and  
Members of the Senate.**

Gentlemen:

At a public meeting called by the Oahu Central Improvement Committee, and held last evening on the roof garden of the Alexander Young Hotel, the following resolution was proposed and adopted by unanime vote:

**RESOLUTION.**

**RESOLVED:** That, in the opinion of this meeting, the sanitary conditions now prevailing in the City of Honolulu render

it expedient and desirable that the Legislature, now in session, should enact into law the proposal now pending before said body, in the form of House Bill No. 269, to provide for the amendment of Section 1034A of the Revised Laws, in such manner as to place at the disposal of the TERRITORIAL BOARD OF HEALTH, the sum of \$250,000.00, for the rendering sanitary of lands and premises at present, or which may become, insanitary; and to enable the Government to reimburse said fund for withdrawals therefrom, made, or which shall be made for said purposes, through the medium of applying thereto such sums as shall be collected or realized by the Government, under Chapter 83, of the said Revised Laws, of which said Section 1034A forms a part.

Respectfully submitted,

WILL J. COOPER,  
Secretary, Oahu Central  
Improvement Committee.

The Communication was received and placed on file, and the Resolution was laid on the table to be taken up for consideration with the Bill.

Senator J. T. Brown presented a Report (No. 294) from the Printing Committee, stating that House Bill No. 246 was printed and ready for distribution.

The Report of the Committee was received and placed on file.

Consideration of Governor's Message No. 9, vetoing House Bill No. 3.

Deferred until Monday, April 24, 1911.

Consideration of Senate Concurrent Resolution No. 11.

Action deferred pending receipt of typewritten copies of the Resolution from the Clerk.

Consideration of the Majority and Minority Reports of the Judiciary Committee on House Bill No. 186.

Upon motion by Senator Judd, seconded by Senator Kaleiupu, the Majority Report of the Committee was adopted. House Bill No. 186 passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 24, 1911.

Consideration of the Majority and Minority Reports of the Judiciary Committee on House Bill No. 193.

Upon motion by Senator Kaleiupu, seconded by Senator Pali, the Majority Report of the Committee was adopted. House Bill

No. 193 passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 24, 1911.

Third Reading of House Bill No. 253, entitled "An Act to Amend Section 3 and to Repeal Section 7, Chapter 2 of Act 39 of the Session Laws of 1905, Creating Counties Within the Territory of Hawaii, and Providing for the Government Thereof."

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 13.

Noes: Senator Robinson.

Third Reading of House Bill No. 209, entitled "An Act to Amend Section 1221 of the Revised Laws of Hawaii, as Amended by Act 141 of the Session Laws of 1909, Relating to Property Exempt from Taxation."

Upon motion by Senator Judd, seconded by Senator Chillingworth, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, and President Knudsen. Total, 13.

Noes: Senator Robinson.

Third Reading of House Bill No. 224, entitled "An Act Relating to Sewers and Garbage, Repealing Chapter 84 of the Revised Laws and Act 21 of the Laws of 1905, and Establishing Rates for the Use of the Honolulu Sewers."

Senator Judd presented a supplementary Report from the Judiciary Committee (No. 295), recommending the passage of House Bill No. 224 with certain amendments, as follows:

#### SUPPLEMENTAL REPORT ON HOUSE BILL NO. 224.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Upon further consideration your Judiciary Committee is of the opinion that further amendments should be made to House Bill No. 224, Relating to Sewers and Garbage, repealing Chapter 84 of the Revised Laws and Act 21 of the Laws of 1905, and establishing rates for the use of the Honolulu sewers,

in Section 1 thereof. Your Committee therefore recommends that Section 1 of House Bill No. 224 be amended by striking out the first four lines thereof, and inserting in lieu thereof the following:

"Every person before connecting any premises with the public sewers of Honolulu, or who now has his premises connected with such sewers shall make application."

This amendment is made for the purpose of making it certain that the Legislature by the enacting of this bill is not seeking to repeal, alter or amend any ordinance of the City and County or any regulation of the Board of Health, covering the same subject.

Your Committee further recommends that the words "disconnection for failure to pay rates" in line 3 of Section 3 be stricken out, for the reason that the clause to which these words relate was stricken out of the bill in the House, and there therefore is no reason for allowing these words to remain in the statute.

April 22, 1911.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

Upon motion by Senator Quinn, seconded by Senator Judd, further consideration of the Bill was deferred until Monday, April 24, 1911.

Third Reading of House Bill No. 264, entitled "An Act to Protect Purchasers from Fraudulent Conveyances of Personal Property."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Hewitt.

Third Reading of House Bill No. 235, entitled "An Act for the Relief of Captain A. N. Tripp."

Upon motion by Senator C. Brown, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Second Reading of House Bill No. 246, entitled "An Act to Regulate the Storage of Explosives."

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Bill was referred to the Committee of the Whole, and placed on the Special Order of the Day for Monday, April 24, 1911, at 11:00 o'clock A. M.

Consideration of Senate Concurrent Resolution No. 11.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Resolution was adopted on the following division of Ayes and Noes:

Ayes: Senators C. Brown, Chillingworth, Judd, Kalama, Kaleiupu, Pali, Quinn, and Robinson. Total, 8.

Noes: Senators Baker, J. T. Brown, Fairchild, Hewitt, Makekau, and President Knudsen. Total, 6.

A Communication (No. 304) from the House of Representatives, returning Senate Bill No. 137, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 137, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.



The Communication was received and placed on file.

A Communication (No. 305) from the House of Representatives, returning Senate Bill No. 121 with certain amendments, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 121, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend the title by inserting the words "of Hawaii" after the word "Laws."

In line 1 of Section 1 after the word "Laws" insert the words "of Hawaii."

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, and the amendments to Senate Bill No. 121 were concurred in on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson and President Knudsen. Total, 13.

Noes: Senator C. Brown.

A Communication (No. 306) from the House of Representatives, returning Senate Concurrent Resolution No. 9, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Re-

solution No. 9, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 307) from the House of Representatives, transmitting House Bill No. 198, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 198, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 198, entitled "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Telephone System in the District of Puna, Island of Hawaii, Territory of Hawaii."

The Bill passed First Reading by Title and was referred to a Special Committee consisting of the Senators from Hawaii.

Senator Judd presented a Report (No. 296) from the Judiciary Committee, recommending that House Bill No. 66 be referred to the Committee of the Whole, as follows:

REPORT ON HOUSE BILL NO. 66.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House

Bill No. 66, To amend Section 12A of Act 39 of the Session Laws of 1905, entitled "An Act Creating Counties within the Territory of Hawaii, and Providing for the Government Thereof," begs leave to report as follows:

Your Committee finds that the various views concerning this bill are so conflicting, that your Committee finds it impossible in the short time remaining to conduct an independent investigation and secure the information necessary to be able to recommend either the passage or the tabling of the bill. Your Committee therefore recommends that this bill be referred to a Committee of the Whole, and reports the bill back for that purpose.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 22, 1911.

The Report of the Committee was adopted, and House Bill No. 66 was referred to the Committee of the Whole for consideration on Monday, April 24, 1911, at 2:00 o'clock P. M.

Senator Judd presented a Report (No. 297) from the Judiciary Committee, recommending the passage of House Bill No. 158, as follows:

#### REPORT ON HOUSE BILL NO. 158.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 158, to amend Section 2255 of the Revised Laws of Hawaii, Relating to Divorce, begs leave to report as follows:

This bill seeks to add to the provisions of our present statute a clause giving the court or judge granting a divorce the power to fix the time when the decree shall take effect, limiting his discretion in this regard so far as divorce from the bonds of matrimony are concerned to not more than one month from and after the date of the decree. Upon investigation

your Committee finds that there is considerable sentiment in the community in favor of this bill.

In view of the above your Committee recommends the passage of this bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 22, 1911.

Upon motion by Senator Pali, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 158 passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 24, 1911.

Senator Judd presented a Report (No. 298) from the Judiciary Committee, recommending the passage of House Bill No. 268, as follows:

REPORT ON HOUSE BILL NO. 268.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 268, to Authorize Advancements of moneys for certain public improvements out of General Revenues to be reimbursed out of loan funds, begs leave to report as follows:

In the judgment of this Committee the passage of this bill would probably force the Territorial administration to borrow the money authorized under Senate Bill No. 50, An Act to Provide for Public Improvements, because the bill is mandatory on the Territory to advance the money received from the general revenues to the amount of \$400,000.00, in two installments, on the 1st of July, 1911, and the balance before January 1, 1912. Under the provisions of this bill such moneys will have to be expended under Senate Bill No. 50 for the objects therein set forth. If this bill is not enacted into law it is optional with the administration whether the bonds shall be sold or not.

For the reasons above stated your Committee favors this bill, and therefore recommends its passage.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 22, 1911.

Committee.

Upon motion by Senator Pali, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 268 passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 24, 1911.

Senator Judd presented a Report (No. 299) from the Judiciary Committee, recommending the passage of House Bill No. 266, as follows:

REPORT ON HOUSE BILL NO. 266.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Bill No. 266, to Prevent Deficiencies in Territorial General Revenues, by authorizing an additional general tax therefor, begs leave to report as follows:

The tax bill separates the sources of revenue, giving to the counties the property taxes, and leaving for the Territory the income taxes. If the income tax should fall down so low that for the appropriation bills, and other needs of the Government there is not sufficient money to carry on the Territorial form of Government, then and in such cases instead of registering warrants the government can estimate what the probable deficit will be, and by adding this additional amount to the tax on property get the money into the Treasury.

After very careful consideration your Committee is of the opinion that this is a wise provision, and therefore recommends the passage of the bill.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 22, 1911.

Committee.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted; House Bill No. 266 passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 24, 1911.

Senator Fairchild presented a Report (No. 300) from the Committee on Ways and Means, recommending the passage of House Bill No. 265 with one amendment, as follows:

SENATE CHAMBER.

Honolulu, T. H., April 22, 1911.

Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Ways and Means to whom was referred House Bill No. 265, entitled "An Act Making Additional Appropriations for the Biennial Period Ending June 30, 1911," has had the same under careful consideration and begs leave to report as follows:

The Bill seeks to make provision for the emergency now existing caused by the second outbreak of cholera in this City, and to further provide for the expenses of the First Circuit Court, as the appropriation for the expenses of said court is now exhausted.

The Committee however, recommends the striking out of all the words from line 9 to and including line 14, as they are superfluous and unnecessary. The prohibitory provision intended is already included in the item preceding.

With this amendment the Committee recommends the passage of the Bill.

Very respectfully yours,

GEO. H. FAIRCHILD,  
Chairman.

WM. T. ROBINSON.

J. T. BROWN,

CECIL BROWN,

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Report of the Committee was adopted; House Bill No. 265 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Monday, April 24, 1911.

Senator Chillingworth presented a Report (No. 301) from the Committee on Public Health, recommending the passage of House Bill No. 162, as follows:

**REPORT ON HOUSE BILL NO. 162.**

Honolulu, Oahu, April 22, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee on Public Health to whom was referred House Bill No. 162 entitled "An Act Appropriating Not to Exceed Nine Thousand Five Hundred Dollars and Thirty-One Cents to Reimburse the County of Maui for Expenditures Made in Assistance of the Board of Health" has had the same under careful consideration and begs leave to report as follows:

Your Committee finds that when the epidemics broke out on the Island of Maui, the Board of Health was without funds to meet the expenses, and it became necessary for the County of Maui to come to its assistance.

The amount asked for \$9,500.31 is for a little less than half of the amount expended by the County of Maui, and your Committee feels that the claim is a just one and recommends the passage of the Bill.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

PHILIP PALI,  
ALBERT F. JUDD,

Upon motion by Senator Pali, seconded by Senator Baker, the Report of the Committee was adopted; House Bill No. 162 passed Second Reading, and was placed on the Calendar for Third Reading on Monday, April 24, 1911.

Senator Judd presented a Report (No. 302) from the Judiciary Committee, recommending the adoption of House Concurrent Resolution No. 26, as follows:

**REPORT ON HOUSE CONCURRENT RESOLUTION NO. 26.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House

Concurrent Resolution No. 26, Requesting the Delegate to Congress to advocate in said Congress the Enactment of appropriate Legislation to acquire the private fisheries of Hawaii, begs leave to report as follows:

Upon investigation your Committee finds that the Organic Act deals with fisheries and fishing rights in Hawaii in three sections thereof. Section 94 provides for an examination into the subject of fisheries and fishing rights in Hawaii by the Commissioner of Fish and Fisheries of the United States; Section 95 repeals all laws of the Republic of Hawaii which confer exclusive fishing rights, and provides that no vested fishing rights shall be valid after 3 years from the taking effect of the Organic Act unless established as thereafter provided; Section 96 provides for the establishment of vested fishing rights in a certain manner, and within a certain time.

The time within which these rights may be established under the Organic Act has long since elapsed, but no attempt has been made either by the Territory or by the United States to condemn these rights for public purposes making just compensation therefor as provided in Section 96 of the Organic Act.

Your Committee is now of the opinion that there is no reason why the matter of the condemnation of these fishing rights should be longer delayed, and especially so since all vested fishing rights which can be established under the provisions of the Organic Act have long since been so established.

The matter of the condemnation of these fishing rights is something which concerns not alone the citizens of this Territory, but the other citizens of the United States. The Organic Act was not passed by the Legislature of the Territory of Hawaii representing the citizens of the Territory, but was passed by the Congress of the United States representing the citizens of the United States for whose benefit it is provided that these fishing rights should be condemned. It therefore seems only just and proper that the Congress of the United States now that these vested rights have all been established under the provisions of the Organic Act, should go ahead with further legislation on the subject, providing for the taking over of these rights, and providing for the payment of compensation therefor, all for the benefit of the citizens of the United States.

In view of the foregoing your Committee recommends the passage of this resolution.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

April 22, 1911.

Committee.



The Report of the Committee was adopted, carrying with it the adoption of the Resolution.

Senator Quinn introduced a Resolution (No. 23), authorizing the President of the Senate and the Chairman of the Committee on Accounts to pass on all accounts against the Senate, after adjournment *sine die*, as follows:

SENATE RESOLUTION.

BE IT RESOLVED by the Senate of the Legislature of the Territory of Hawaii, that after the adjournment of the Legislature *sine die*, the President of the Senate and the Chairman of the Committee on Accounts be, and they are hereby authorized, empowered and directed to pass upon all claims against the Senate including all claims paid out of the Federal appropriation, "Legislative Expenses, Territory of Hawaii, 1911," for any reason rejected by the Auditor for State and Other Departments as not chargeable against said appropriation, and to approve vouchers for the payment of all just claims including claims rejected as aforesaid which claims upon such approval shall thereupon be paid by the Clerk of this Senate out of the balance remaining of the moneys appropriated for the expenses of the Senate during the present session of the Legislature.

E. W. QUINN,  
Senator, Third District.

Honolulu, Hawaii,  
April 22nd, 1911.

The Resolution was adopted.  
At 12:35 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

## FIFTY-EIGHTH DAY.

Monday, April 24, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Fifty-seventh Day was read and approved.

A Communication (No. 308) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 209, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President, and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 209 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 309) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 231, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

Senate amendments to House Bill No. 231 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 310) from the House of Representatives, notifying the Senate of the appointment of a Joint Conference Committee on House Bill No. 85, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that, in accordance with the adoption by this House of the report of the Special Joint Conference Committee on House Bill No. 85 asking for the appointment of a new Conference Committee of both Houses for the further consideration of said Bill, the Speaker of the House has this day appointed the same Conferees to act on behalf of the House, to wit:

Representatives Rice, Correa and Long.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 311) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 264, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of  
the Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 264 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 312) from the House of Representatives, returning Senate Bill No. 136, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 136, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 313) from the House of Representatives, transmitting House Bill No. 269, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 269,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 269, entitled "An Act to Amend Section 1034A of the Revised Laws, as Enacted by Act 29 of the Laws of 1911, Relating to the Improvement of Insanitary Lands."

The Bill passed First Reading and was placed on the Calendar for Tuesday, April 25, 1911, for Second Reading.

A Communication (No. 314) from the House of Representatives, transmitting House Bill No. 267, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 267,  
which this day passed Third Reading in the House of Repre-  
sentatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 267, entitled "An Act to Authorize the Deposit of County and City and County Moneys in the Banks of This Territory."

The Bill passed First Reading and was placed on the Calendar for Second Reading on Tuesday, April 25, 1911.

A Communication (No. 315) from the House of Representatives, transmitting House Concurrent Resolution No. 13, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 22, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 13, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file, and consideration of the Concurrent Resolution was deferred until Tuesday, April 25, 1911.

Senator J. T. Brown presented a Report (No. 40) from the Special Committee on House Bill No. 198, recommending the passage of the Bill, as follows:

#### SENATE CHAMBER.

Honolulu, T. H., April 24, 1911.

Honorable E. A. Knudsen,  
President of the Senate.

Sir:—

Your Select Committee consisting of the Members from Hawaii to whom was referred House Bill No. 198 entitled "An

Act Granting a Franchise for the Construction, Maintenance and Operation of a Telephone System in the District of Puna, Island of Hawaii, Territory of Hawaii" has had the same under careful consideration and begs leave to report as follows:

The bill seeks to provide for a long felt want in the District of Puna, Hawaii, and the Committee sees no reason why it should stand in the way of promoting public interests, and therefore recommends the passage of the Bill.

Respectfully submitted,

JOHN T. BROWN,

Chairman.

R. H. MAKEKAU,

DAVID K. BAKER,

GEO. C. HEWITT.

Upon motion by Senator Makekau, seconded by Senator Judd, the Report of the Committee was adopted; House Bill No. 198 passed Second Reading, and was placed on the Calendar for Third Reading on Tuesday, April 25, 1911.

Consideration of Governor's Message No. 9 vetoing House Bill No. 3.

Deferred until Tuesday, April 25, 1911.

Third Reading of House Bill No. 186, entitled "An Act Creating a Board of Water and Sewer Commissioners for Honolulu, and Providing for the Transfer of the Management, Control and Maintenance of the Honolulu Water and Sewer Works to and by Said Board of Commissioners."

The Bill failed to pass Third Reading on the following division of Ayes and Noes:

Ayes: Senators Judd, Hewitt, Kalama, Kaleiopu, and Makekau. Total, 5.

Noes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Pali, Quinn, Robinson, and President Knudsen. Total, 9.

Third Reading of House Bill No. 193, entitled "An Act Relating to Harbors, Their Management, Control, Improvement and Regulation."

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Bill was tabled.

Third Reading of House Bill No. 224, entitled "An Act Relating to Sewers and Garbage, Repealing Chapter 84 of the Re-

vised Laws and Act 21 of the Laws of 1905, and Establishing Rates for the Use of the Honolulu Sewers."

Senator Quinn moved that action be deferred until the afternoon session. Seconded by Senator Pali, and carried.

Third Reading of House Bill No. 158, entitled "An Act to Amend Section 2235 of the Revised Laws of Hawaii, Relating to Divorce."

Upon motion by Senator Judd, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Fairchild.

Third Reading of House Bill No. 268, entitled "An Act to Authorize Advancements of Moneys for Certain Public Improvements Out of General Revenues to be Reimbursed Out of Loan Funds."

Upon motion by Senator C. Brown, seconded by Senator Quinn, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of House Bill No. 265, entitled "An Act Making Additional Appropriations for the Biennial Period Ending June 30th, 1911."

Upon motion by Senator Kalama, seconded by Senator Kaleiopu, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Chillingworth.

Third Reading of House Bill No. 266, entitled "An Act to Prevent Deficiencies in Territorial General Revenues, by Authorizing an Additional General Property Tax Therefor."

Upon motion by Senator C. Brown, seconded by Senator Judd,



the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Chillingworth.

Third Reading of House Bill No. 162, entitled "An Act Appropriating Not to Exceed Nine Thousand Five Hundred Dollars and Twenty-one Cents to Reimburse the County of Maui for Expenditures Made in Assistance of the Board of Health."

Upon motion by Senator Judd, seconded by Senator Pali, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

At 10:55 o'clock A. M., Governor's Message (No. 10) vetoing Senate Bill No. 29, and Governor's Message (No. 11) vetoing House Bill No. 170 were received and read by the Clerk as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber.

Honolulu, April 24, 1911.

To the Legislature:

I return herewith, without my approval, Senate Bill No. 29, entitled "An Act for the Relief of John A. Cummins."

The object of this bill is to pay John A. Cummins the amount of a fine of \$5,000 which he paid sixteen years ago under a sentence based on a plea of guilty.

There is much in this case to appeal to sentiment and sympathy, and for that reason it is both difficult and unpleasant to consider the bill upon its merits. It is unfortunate that this matter, recalling, as it does, the circumstances out of which this case arose, should be reopened. Looking at the matter

from the standpoint of broad policy, the repayment of the fine in question would tend to serve as an embarrassing precedent in other cases that might appeal to sentiment, and especially in the other cases which arose out of the same circumstances. Mr. Cummins was the only one out of about one hundred and ninety who escaped imprisonment by paying a fine. A recognition of his claim might well be regarded as a recognition of the claims of the others, and there would be as much logic in compensating the others for their several periods of imprisonment as in compensating him for the fine which he paid.

Be that as it may, there seems to be an insuperable legal objection to this bill. The fine when paid became public money. That particular money was expended long ago by the Republic of Hawaii, but, whether it was or not and even if it had been paid to the Territory of Hawaii, its payment to a private individual, or the payment of a like sum out of other public moneys, would come within the constitutional inhibition against the use of public moneys for private purposes. A bill of this kind is not an exercise of the pardoning power, for that is vested solely in the executive, and even the executive could not exercise that power in such a way as to remit a fine already paid under a legal judgment. This case is not one of those in which a legislative body may authorize the repayment of moneys paid under a mistake of fact or even moneys paid under a mistake of law. In such cases the question is merely one of policy. The money is the peoples', for the peoples', that is, for public purposes and cannot lawfully be diverted to private purposes.

WALTER F. FREAR,  
Governor of Hawaii.

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber,

Honolulu, April 24, 1911.

To the Legislature:

I return herewith, without my approval, House Bill No. 170, entitled "An Act Appropriating Twenty Thousand Dollars for the purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax under Sections 764 to 768 of the Penal Laws of 1907."

The general license Act of 1896 provided, among other

things, for licenses to sell imported goods, wares and merchandise. In January, 1901, the Supreme Court held that the provisions relating to such licenses were rendered nugatory by certain provisions of the Federal Constitution, which became applicable to Hawaii on June 14, 1900, when the Territorial Government was established. The object of the bill is, presumably, to repay the merchandise license fees that were paid after that date.

There are two principal objections to the bill. One is an objection of policy; the other, of law.

These fees were not paid under a mistake of fact, nor were they paid under protest. Moreover, those who paid them received certain benefits through increased sales or increased prices, by the elimination of competition from others who might, but for the necessity of paying similar license fees, have engaged in similar business. Bills for the same object have been rejected by several preceding legislatures. It is not always easy in cases of this kind to decide whether money should be refunded or not by legislative action, but I am inclined to think that, under the circumstances of this case, this should not be done, although I presume that it would be constitutional to repay the fees collected for the period subsequent to June 14, 1900.

The legal objection is more serious. The bill does not, in its recitals or in its body, as did the corresponding bill of the last Session, in both its title and its body, limit the repayments to license fees paid for the period after June 14, 1900. It is true that the title refers to moneys "wrongfully collected", although without furnishing a criterion for determining what moneys were wrongfully collected. But the body of the bill does not contain even a general qualification of this character. On the contrary, it provides in clear language for the repayment of all amounts collected under the law in question—at least after the publication of the compilation known as the Penal Laws of 1897. Hence, the bill would seem to be invalid for two reasons; first, because its body does not correspond with its title, assuming that the title could be construed as going so far as to limit the repayments to the period subsequent to June 14, 1900, and, secondly, because its body covers a period before June 14, 1900, and, therefore, provides for the payment for private uses of strictly public moneys, that is, moneys lawfully collected.

There are several minor objections to the bill, which, perhaps, taken alone would be insufficient to justify its rejection. For instance, in one section it allows three months in which to present claims, and in another section only a shorter period, that is, until June 30, 1911. Again, it in terms provides for the repayment only of license fees paid under certain sections of

the Penal Laws of 1897, whereas no license fees were paid under those sections, for they were all paid under the Act of 1896. The Penal Laws were merely a compilation without the force of law, and, although an Act of 1898 authorized references to be made to the Penal Laws with the same effect as if made to the original laws, that Act did not extend to cases of this kind. Moreover, the bill appropriates only \$20,000, and does not provide for an apportionment among claimants or priority among them, in case claims in excess of that amount should be presented.

WALTER F. FREAR,  
Governor of Hawaii.

Upon motion by Senator Judd, seconded by Senator Baker, consideration of Governor's Message No. 10 was deferred until Tuesday, April 25, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Judd, Governor's Message No. 11 was referred to the Judiciary Committee.

At 11:00 o'clock A. M., the Senate resolved itself into a Committee of the Whole, Senator Chillingworth in the Chair, for the consideration of House Bill No. 246.

At 12:00 o'clock M., the Committee rose, reported progress and asked for time in which to file a Report.

The Report of the Committee was adopted.

Senator C. Brown presented a Report (No. 41) from the Joint Conference Committee on House Bill No. 229, recommending the passage of the Bill with one amendment, as follows:

Honolulu, T. H., April 24, 1911.

Hon. H. L. Holstein,  
Speaker, House of Representatives, and

Hon. Eric A. Knudsen,  
President of the Senate.

Sirs:—

#### HOUSE BILL NO. 229.

Your Joint Conference Committee, to whom was referred Senate Amendments to House Bill No. 229, entitled "An Act to prohibit trespassing on the rights of way of railroads within

the Territory of Hawaii," introduced by Hon. Chas. A. Rice, begs leave to report as follows:

That said Committee, having met after full and free conference have agreed to recommed and do recommend to their respective houses, that the Bill pass as passed by the Senate, with the following amendment:

In Section 2, strike out the words and figures "Fifty Dollars (\$50.00)" and insert in lieu thereof the words and figures "Ten Dollars (\$10.00)."

Respectfully submitted,

EDWIN K. FERNANDEZ,  
H. S. RICKARD,  
NORMAN WATKINS,  
House Conferees.

CECIL BROWN,  
DAVID K. BAKER,  
PHILIP PALI,  
Senate Conferees.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kaleiopu.

At 12:05 o'clock P. M., the Senate stood in recess until 2:00 o'clock P. M.

### AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

Senator Chillingworth presented a Report (No. 42) from the Committee of the Whole, recommending the passage of House Bill No. 246 with certain amendments, as follows:

Honolulu, Hawaii, April 24, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

Your Committee of the Whole to which was referred House

Bill No. 246, after due and careful consideration recommends that the same pass with the following amendments:

Delete all of the words at the bottom of page 1, Section 1, beginning with the words "respective boards" line 10, and insert in lieu thereof the words "Superintendent of Public Works who shall, subject to the provisions of this Act, have complete charge and supervision of the storage, keeping, testing and warehousing of all explosives. Such Superintendent of Public Works shall make and publish a schedule of charges for tests, inspections and approvals, which fees or charges shall be reasonable and shall be so determined as only to meet the cost of such tests, inspections and approvals."

Delete all of Section 2.

Delete the words "one place" in line 2 of Section 3. Delete the word "enclosure" in line 3 of said Section 3, and insert in lieu thereof the word "structure."

Change the figures "220" to read "110" in line 3 of said Section.

Strike out all the words beginning with the words "if necessary" at the bottom of page 3 to and including the words "if required" at the end of paragraph 1 of page 4, and insert in lieu thereof "of construction satisfactory to said Superintendent of Public Works." Also strike out the period after the word "tanks" in line 13 of page 3.

Strike out the words "Inspector of Explosives" in line 2 of page 5, and insert in lieu thereof "Superintendent of Public Works."

Also strike out all the words after the word "Act" in line 4 to and including the word "Supervisors" at the end of line 5 of said page 5.

Strike out the words "Inspector of Explosives" in line 6 of page 6, and insert in lieu thereof the words "Superintendent of Public Works."

Strike out all of the words after the word "Act" in line 9 to and including the word "herewith" in line 10 of said page 6.

Strike out the words "Board of Supervisors" at the end of Section 3 line 17, and insert in lieu thereof the words "Superintendent of Public Works."

Strike out the words "Inspector of Explosives" in line 6 of Section 4, and insert in lieu thereof the words "Superintendent of Public Works."

Strike out all of the words beginning from the word "and" in line 8 of said Section 4, to and including the word "tests" in line 16.

Strike out the words "boat or vessel" in line 3 of Section 5; also strike out all the words after the word "vehicle" in line 9 to and including the word "purpose" in line 11.

Strike out the words "Inspector of Explosives" in lines 6 and

7 on Page 10, and insert in lieu thereof the words "Superintendent of Public Works."

Delete the figure "6" in line 7 of Section 7, and insert the figure "5."

Strike out the words "Inspector of Explosives" in line 13 of Section 8, and insert in lieu thereof the words "Superintendent of Public Works."

Strike out the words "Board of Supervisors" in line 1 of Section 9, and insert in lieu thereof the words "Superintendent of Public Works."

Strike out the words "Such Board" in line 4 of Section 9, and insert in lieu thereof the words "The Superintendent of Public Works."

Strike out all of the words after the word "Act" in line 2 of Section 11, up to and including the word "Act" in line 3 of said Section 11.

Delete all of Section 12.

Renumber Sections 3, 4, 5, 6, 7, 8, 9, 10 and 11 to read Sections 2, 3, 4, 5, 6, 7, 8, 9, and 10.

Renumber Section 13 to read Section 11.

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
Chairman.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Report of the Committee was adopted, and House Bill No. 246 passed Third Reading on the following showing of Ayes and Noes:

Ayes : Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Quinn, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Kalama, Pali, and Robinson.

Senator Judd introduced a Resolution (No. 24) providing for the payment of the expenses of the two Hold-Over Senate Committees out of the Contingent Fund, as follows:

BE IT RESOLVED by the Senate of the Territory of Hawaii that the Governor is hereby requested to pay out of the "Contingent Fund" the necessary expenses that may be incurred by

the two Hold Over Committees of the Senate on Ways and Means and Land Matters.

ALBERT F. JUDD,  
Senator, 3rd District.

April 24, 1911.

The Resolution was adopted.

Senator Kaleiupu introduced a Concurrent Resolution (No. 12) requesting the Superintendent of Public Works to cause Bethel Street to be opened and extended to Beretania Street, as follows:

CONCURRENT RESOLUTION.

BE IT RESOLVED BY THE SENATE OF THE TERRITORY OF HAWAII, THE HOUSE OF REPRESENTATIVES CONCURRING:

That the Superintendent of Public Works of the Territory of Hawaii be, and he is hereby requested and directed to proceed, without delay, to cause Bethel Street to be extended and opened from Hotel to Beretania Street.

A. S. KALEIOPU,  
Senator from Third District.

Dated, April 24th, 1911.

Senator Judd moved to amend the Resolution by inserting the words "in the City of Honolulu" after the words "Beretania Street." Seconded by Senator C. Brown, and carried.

Upon motion by Senator Kaleiupu, seconded by Senator Chillingworth, the Resolution was adopted as amended.

Third Reading of House Bill No. 224, entitled "An Act Relating to Sewers and Garbage, Repealing Chapter 84 of the Revised Laws and Act 21 of the Laws of 1905, and Establishing Rates for the Use of the Honolulu Sewers."

The Bill was read throughout, and Senator Quinn moved the following amendments:

1. Strike all of Section 2.
2. Renumber Section 3 as Section 2.
3. Strike all of Section 4 after the word "follows" and insert therein the following amendment:

"Each plumbing fixture \$1.00 per year, other than floor drains which will be \$2.50 per year."



“A plumbing fixture, within the meaning of this Act, is any receptacle for water or sewage that requires a trap and waste pipe, and is connected with the public sewer.”

“The following fixtures shall be computed as follows: range closets by the number of seats ( $1\frac{1}{2}$  lineal foot of the fixture shall constitute a seat);

“urinals, by the number of stalls, ( $2\frac{1}{2}$  lineal feet of the fixture shall constitute a stall);

“showers, by the number of stalls (10 sq. ft. of the floor area of the fixtures shall constitute a stall);

“laundry tubs, by the number of trays or partitions;

“basins, by the number of bowls.”

4. Renumber Section 4, Section 3.

5. Strike out the word “unmetered” on line one of Section 5.

6. Strike all of the words after the word “period” to the word “the” in Section 5.

7. Strike out the word “unmetered” in the last sentence of Section 5.

8. Renumber Section 5, Section 4.

Renumber Section 6, Section 5.

Renumber Section 7, Section 6.

Renumber Section 8, Section 7.

Renumber Section 9, Section 8.

Renumber Section 10, Section 9.

Seconded by Senator Chillingworth, and carried.

Senator Judd moved to amend by striking out the word “therefore” in line 3 of Section 1. Seconded by Senator C. Brown, and carried.

Upon motion by Senator Quinn, seconded by Senator Judd, the Bill passed Third Reading as amended on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kalama and Pali.

A Communication (No. 66) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 85, 131, 123 and 137, and House Bills Nos. 207, 260, 48 and 248, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 24, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 85, as Act 124, entitled "An Act to Give Certain Rights and Powers of Eminent Domain to Corporations Organized for the Purpose of Developing, Storing, Conveying, Distributing and Transmitting Water for Irrigation;"

Senate Bill No. 131, as Act 125, entitled "An Act to Amend Sections 1004, 1005 and 1006, Chapter 80, of the Revised Laws, and Adding a New Section Thereto, to be Known as Section 1005A, Relating to Infectious Diseases."

Senate Bill No. 123, as Act 126, entitled "An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1616 of the Revised Laws of Hawaii, as Amended By Acts 34, 37 and 56 of the Session Laws of 1905, and as Further Amended by Act 50 of the Session Laws of 1907;"

House Bill No. 207, as Act 127, entitled "An Act to Repeal Sections 1676, 1689, 1690 and 1691, and to Amend Section 1688 of the Revised Laws of Hawaii, Relating to the Duties of Clerks of Courts of Records;"

House Bill No. 260, as Act 128, entitled "An Act to Amend Chapter 190 of the Revised Laws of Hawaii, by Amending Section 2929 Thereof, and by Adding Two New Sections to be Known as Sections 2929A and 2929B;"

House Bill No. 48, as Act 129, entitled "An Act to Amend Act 55 of the Laws of 1909, Relating to the Acquisition of Property for Public Purposes;"

House Bill No. 248, as Act 130, entitled "An Act Relating to Inheritance Tax, Amending Sections 5 and 12 of Act 102 of the Session Laws of 1905, as Amended by Sections 2 and 3, Respectively, of Act 147 of the Session Laws of 1909;"

Senate Bill No. 137, as Act 131, entitled "An Act to Amend Sections 1 and 3 of Act 123 of the Session Laws of 1909, Relating to the Deposits of Territorial Moneys in Banks of This Territory."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 316) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 229, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 24, 1911.

**The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.**

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill No. 229 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

**EDWARD WOODWARD,  
Clerk, House of Representatives.**

The Communication was received and placed on file.

A Communication (No. 317) from the House of Representatives, returning Senate Bill No. 135 with certain amendments, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 22, 1911.

**The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.**

Gentlemen:—

I have the honor to return herewith Senate Bill No. 135, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 4 of Section 1, strike out the word "eighteen" and insert in lieu thereof the word "sixteen;" in line 5 of said

section, strike out the words "both inclusive;" and in line 29 of the same section, strike out the word "fourteen" and insert in lieu thereof the word "fifteen."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

The Senate failed to concur in the amendments to Senate Bill No. 135 on the following showing of Ayes and Noes:

Ayes: None.

Noes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kaleiopi, Makekau, Quinn, Robinson, and President Knudsen. Total, 11.

Absent and not voting: Senators Kalama, Pali, and Fairchild.

Whereupon the Chair appointed Senators Chillingworth, Robinson, and C. Brown as Senate Conferees for the further consideration of the Bill.

A Communication (No. 318) from the House of Representatives, transmitting House Bill No. 271, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 271, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 271, entitled "An Act to

Amend Act 67 of the Session Laws of 1907, Entitled 'An Act to Provide for the Exercise by Counties of the Power of Eminent Domain for Certain Public Purposes; by Adding a New Section Thereto to be Known as Section 4A.'

The Bill passed First Reading and was placed on the Calendar for Second Reading on Tuesday, April 25, 1911.

A Communication (No. 319) from the House of Representatives, transmitting House Bill No. 272, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Bill No. 272, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

First Reading of House Bill No. 272, entitled "An Act to Authorize the Repayment to Henry K. Ogawa and Frank B. Craig of Sums by Them Paid Into the Territorial Treasury for Emigrant Agents Licenses."

The Bill passed First Reading by Title and was referred to the Judiciary Committee.

Senator Judd presented a Report (No. 303) from the Judiciary Committee, recommending the tabling of House Joint Resolution No. 8, as follows:

**REPORT ON HOUSE JOINT RESOLUTION NO. 8.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Joint Resolution No. 8, Requesting the Board of Commission-

ers of Public Archives to deliver to the Hon. Jonah K. Kalanianaʻole the chest of silverware now in the Public Archives of the Territory, begs leave to report as follows:

Your Committee desires to call attention to a misstatement of fact which appears in this Resolution, in that KAMEHA-MEHA IV. to whom the chest of silverware was presented by the French Government, belonged to a family of Chiefs which is now extinct, and which was a different family of Chiefs from that to which the Hon. Jonah K. Kalanianaʻole belongs.

This chest of silverware, by the Joint Resolution of the Congress of the United States of July 7, 1898, became the property of the United States. Section 91 of the Organic Act provides that all the property ceded and transferred to the United States by this Joint Resolution "shall be and remain in the possession, use and control of the Government of the Territory of Hawaii." This alone would seem to prohibit the delivery of this chest of silverware to the Hon. Jonah K. Kalanianaʻole. Act of the Congress of the United States of May 26, 1906, Ch. 2561, 34 Stat. L. 204, provides for the disposition of certain personal and movable property in the Territory of Hawaii. This Act provides that such property may be sold, leased or otherwise disposed of. The words "otherwise disposed of" evidently referring to the turning over of certain personal property to the counties. The provision in the latter part of this Act that the moneys and revenues arising therefrom (from such sales) shall remain the property of the Territory of Hawaii certainly contemplates a sale or lease for the full value, and does not authorize a sale or lease of property at a fictitious value which bears no relation to the true value, or a gift of public property for private use as is contemplated by the Resolution.

Even in the absence of this statutory provision, your Committee believes that this Legislature could not lawfully order the transfer of the chest of silver in the manner indicated in the Resolution. The property is public and the use to which it is to be put is private.

"The Legislature is to make laws for the public good and not for the benefit of individuals"

says Cooley in his Constitutional Limitations, 7th Ed. p. 184.

The Supreme Court of Massachusetts has said in the case of Lowell vs. The City of Boston

"The power of the Government . . . to effect the individual in his private rights of property, whether by exacting contribution to the general means or by sequestration of specific property, is confined by obvious implication as well as by express terms, to purposes and objects alone which the government was established to pro-

mote, to wit, public uses and the public service. . . .

An appropriation of money raised by taxation or of property taken by right of eminent domain by way of gift to an individual for his own private use exclusively would hardly be an exercise of legislature power."

There is no difference in principle between property taken by eminent domain, and property which is already public.

If the Legislature chooses to declare that the record of the Delegate to Congress has been so eminent that some public recognition thereof should be made by this Legislature, this might make the Resolution lawful. Although this may not cure the defects above referred to, it has been suggested to the Committee that an amendment to this effect would not be agreeable to the Delegate, and the Committee therefore has drafted no amendment in this regard.

In view of the foregoing your Committee recommends that this Resolution be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,

Chairman.

CECIL BROWN,

R. H. MAKEKAU,

Committee.

April 24, 1911.

Upon motion by Senator Judd, seconded by Senator Fairchild, the Report of the Committee was laid on the table.

Upon motion by Senator Fairchild, seconded by Senator Judd, the Resolution passed Second Reading.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Resolution was recommitted to the Judiciary Committee.

At 3:02 o'clock P. M., the Senate adjourned.

JOHN H. WISE,

Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,

President of the Senate.

## FIFTY-NINTH DAY.

Tuesday, April 25, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Fifty-eighth Day was read and approved.

A Communication (No. 67) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 130, 121 and 136, and House Bills Nos. 253, 158, 235, 162, 265, 209 and 229, was read by the Clerk as follows:

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 25, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor on April 24, 1911, signed the following bills:

Senate Bill No. 130, as Act 132, entitled "An Act to Amend Section 988 and Section 991, as Amended by Act 42 of the Laws of 1905, of the Revised Laws, and to Add a New Section Thereto, to be Known as Section 992A, Relating to the Board of Health;"

Senate Bill No. 121, as Act 133, entitled "An Act to Repeal Chapters 46 and 47 of the Revised Laws of Hawaii, Relating to Water Works at Wailuku, Kahului and North Kohala;"

House Bill No. 253, as Act 134, entitled "An Act to Amend Section 3 and to Repeal Section 7, Chapter 2 of Act 39 of the Session Laws of 1905, Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof;"

Senate Bill No. 136, as Act 135, entitled "An Act to Amend Section 188 of the Revised Laws, as Amended by Section 3 of Act 42 of the Session Laws of 1909;"



House Bill No. 158, as Act 136, entitled "An Act to Amend Section 2235 of the Revised Laws of Hawaii, Relating to Divorce;"

House Bill No. 235, as Act 137, entitled "An Act for the Relief of Captain A. N. Tripp;"

House Bill No. 162, as Act 138, entitled "An Act Appropriating not to Exceed Nine Thousand Five Hundred Dollars and Thirty-one Cents to Reimburse the County of Maui for Expenditures Made in Assistance of the Board of Health;"

House Bill No. 265, as Act 139, entitled "An Act Making Additional Appropriations for the Biennial Period Ending June 30, 1911;"

House Bill No. 209, as Act 140, entitled "An Act to Amend Section 1221 of the Revised Laws of Hawaii as Amended by Act 141 of the Session Laws of 1909, Relating to Property Exempt from Taxation;"

House Bill No. 229, as Act 141, entitled "An Act to Prohibit Trespassing Upon the Rights of Way of Railroads Within the Territory of Hawaii."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Senator Judd presented a Report (No. 43) from the Joint Conference Committee on Senate Bill No. 127, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, Hawaii, April 25, 1911.

To the Honorable Eric A. Knudsen,  
President of the Senate.

To the Honorable H. L. Holstein,  
Speaker, House of Representatives.

Sirs:—

Your Special Joint Conference Committee on Senate Bill No. 127, introduced by Senator Cecil Brown, entitled "An Act Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto," begs leave to report as follows:

Your Committee having held a conference on said bill has

agreed to recommend the passage of the bill as passed by the Senate with the following amendments:

Strike out all of Section 9.

Renumber Section 10 as Section 9.

Renumber Section 11 as Section 10.

Renumber Section 12 as Section 11.

Renumber Section 13 as Section 12.

Renumber Section 14 as Section 13, and in line 2 thereof after the figures "13" insert the words and figures "of Act 89."

Renumber Section 15 as Section 14.

Strike out all of Section 16, and insert in lieu thereof the following:

"Section 15. Section 1265 of the Revised Laws of Hawaii, as amended by Section 15 of Act 89 of the Session Laws of 1905, is hereby amended to read as follows:

"Section 1265. Penalty. A penalty of ten per cent. shall be added by the Assessor to the amount of all delinquent taxes in excess of Twenty Dollars (\$20.00), which penalty shall be and become a part of such tax and be collected as a part thereof. All delinquent taxes shall bear interest at the rate of ten per cent. from the expiration of fifteen days (15) from the date of delinquency until paid, which interest shall be and become a part of such tax and be collected as a part thereof.

No tax payer shall be exempt from delinquent penalties by reason of having made an appeal on his assessment; but no delinquent penalty shall attach to the amount of the tax on the actual amount in dispute until ten (10) days after such appeal shall be finally decided, the amount in dispute being the exemption claimed or the difference between the amount returned by the tax payer and the amount assessed."

Renumber Section 17 as Section 16.

Renumber Section 18 as Section 17.

Renumber Section 19 as Section 18.

Renumber Section 20 as Section 19.

Respectfully submitted,

JOINT CONFERENCE COMMITTEE OF

House of Representatives,

WM. WILLIAMSON,  
NORMAN WATKINS,  
J. P. HALE.

Senate,

ALBERT F. JUDD,  
CECIL BROWN,  
R. H. MAKEKAU.

Upon motion by Senator C. Brown, seconded by Senator Judd, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Chillingworth, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Senator Judd presented a Report (No. 44) from the Joint Conference Committee on Senate Bill No. 36, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, Hawaii, April 25, 1911.

Hon. Eric. A. Knudsen,  
President of the Senate.

Hon. H. L. Holstein,  
Speaker, House of Representatives.

Sirs:—

Your Special Joint Conference Committee on Senate Bill No. 36, introduced by Senator George H. Fairchild, entitled "An Act Relating to Personal Income and Property Taxes and the Disposition of the proceeds thereof, amending certain Laws and Repealing others," begs leave to report as follows:

Your Committee having held a conference on said Bill has agreed to recommend the passage of the Bill passed by the Senate with the following amendments:

That the amendments made by the House to Section 5 be stricken out, and that the amendments by the House to Section 8 be adopted.

Respectfully submitted,

ALBERT F. JUDD,  
GEO. C. HEWITT,  
GEO. H. FAIRCHILD,  
Senate Conferees.

CHAS. A. RICE,  
NORMAN WATKINS,  
S. P. CORREA,  
House Conferees.

Upon motion by Senator Fairchild, seconded by Senator Judd, the Report of the Committee was adopted on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiupu, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senators Kalama, Makekau, and Pali. Total, 3.

Senator Fairchild presented a Report (No. 45) from the Joint Conference Committee on House Bill No. 85, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, T. H., April 25, 1911.

Honorable H. L. Holstein,  
Speaker, House of Representatives, and

Honorable Eric A. Knudsen,  
President of the Senate.

Sirs:—

HOUSE BILL NO. 85.

Your Committee on Conference, to whom was referred Senate amendments to House Bill No. 85, entitled "An Act to Amend Section 6 of Act 33 of the Session Laws of 1909, Relating to Conservation and Immigration Tax," introduced by Representative A. F. Tavares, begs leave to report as follows:

That said Committee having met after full and free conference have agreed to recommend and do recommend to the respective Houses as follows: That the Senate recede from its amendments to said House Bill and agree to the Bill as passed by the House of Representatives.

Respectfully submitted,

CHAS. A. RICE,  
E. A. C. LONG,  
S. P. CORREA,  
House Conferees.

GEO. H. FAIRCHILD,  
WM. T. ROBINSON,  
A. S. KALEIOPU,  
Senate Conferees.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Report of the Committee was adopted on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Kaleiupu, Quinn, Robinson, and President Knudsen. Total, 10.

Noes: Senators Judd, Kalama, Makekau, and Pali. Total, 4.

A Communication (No. 320) from the House of Representatives, returning Senate Bill No. 126 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 126, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 2 of Section 1 after the word "acquire" insert the words "by appropriate condemnation proceedings;" in line 6 of said section, after the word "works" insert the words "and in all lands to which such water or any part thereof is appurtenant;" in line 7 of the same section, strike out the word "leads" and insert in lieu thereof the word "heads;" and in line 8 thereof, after the word "water" insert the words "and such lands as may in his opinion be necessary for pipe lines and other means of conducting such water to places where it may be required for use."

Strike out all of Section 1 beginning with the word "Acquisition" in line 9 thereof.

In line 4 of Section 2, strike out the word "purchase" and insert in lieu thereof the words "acquire as aforesaid;" in line 5 of the same section, strike out the word "said" and insert in lieu thereof the word "the;" and in line 6 thereof, strike out the words "mentioned in Section 1 of this Act."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
Upon motion by Senator C. Brown, seconded by Senator Ma-

kekau, the amendments to Senate Bill No. 126 were not concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Whereupon the Chair appointed Senators C. Brown, Fairchild, and Chillingworth as Senate Conferees for the further consideration of the Bill.

A Communication (No. 321) from the House of Representatives, notifying the Senate of its concurrence in the amendment made to House Bill No. 265, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 24, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendment to House Bill No. 265 was this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Consideration of Governor's Message No. 9 vetoing House Bill No. 3, entitled "An Act to Provide for the Construction of Belt Roads."

The Bill failed to pass, thereby sustaining the veto of the Governor, on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Kaleiupu, Quinn, Robinson and President Knudsen. Total, 8.

Noes: Senators Baker, Judd, Hewitt, Kalama, Makekau, and Pali. Total, 6.

Consideration of Governor's Message No. 11 vetoing Senate

Bill No. 29, entitled "An Act for the Relief of John A. Cummins."

Deferred pending action by the House on same.

Consideration of Governor's Message No. 10 vetoing House Bill No. 170, entitled "An Act Appropriating Twenty Thousand Dollars for the Purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax Under Sections 764 to 768 of the Penal Laws of 1897."

The Bill passed notwithstanding the veto of the Governor on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 10.

Noes: Senators Judd, Hewitt, and Kalama. Total, 3.

Excused: Senator Fairchild.

Consideration of House Concurrent Resolution No. 13.

Deferred until Wednesday, April 26, 1911.

Third Reading of House Bill No. 198, entitled "An Act Granting a Franchise for the Construction, Maintenance and Operation of a Telephone System in the District of Puna, Island of Hawaii, Territory of Hawaii."

Upon motion by Senator J. T. Brown, seconded by Senator Makekau, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Second Reading of House Bill No. 267, entitled "An Act to Authorize the Deposit of County and City and County Moneys in Banks in This Territory."

Upon motion by Senator Chillingworth, seconded by Senator C. Brown, the Bill passed Second Reading and was referred to the Committee on Ways and Means.

Second Reading of House Bill No. 269, entitled "An Act to Amend Section 1034A of the Revised Laws, as Enacted by Act 29 of the Laws of 1911, Relating to the Improvement of Insanitary Lands."

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the Bill passed Second Reading and was placed on the Calendar for Third Reading on Wednesday, April 26, 1911.

Second Reading of House Bill No. 271, entitled "An Act to

Amend Act 67 of the Session Laws of 1907, Entitled 'An Act to Provide for the Exercise by Counties of the Power of Eminent Domain for Certain Public Purposes,' by Adding a New Section Thereto to be Known as Section 4A."

Upon motion by Senator Quinn, seconded by Senator C. Brown, the Bill passed Second Reading and was placed on the Calendar for Third Reading on Wednesday, April 26, 1911.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, House Bill No. 193 was taken up from the table for consideration on Third Reading.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Bill passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators J. T. Brown, Fairchild, Hewitt, Judd, Kalamā, Kaleiōpu, Makekau, Pali, Quinn, and President Knudsen. Total, 10.

Noes: Senators Baker, C. Brown, Chillingworth, and Robinson. Total, 4.

By the unanimous consent of the Senate, Senator Makekau introduced a Petition (No. 8) from E. Kekumanookalani, relating to certain Crown Lands on the Island of Hawaii.

The Petition was referred to the Judiciary Committee.

At this juncture, Senator Fairchild moved that consideration of House Bill No. 66, which was set down for consideration in Committee of the Whole for this date, be deferred until tomorrow. Seconded by Senator Judd, and carried.

Senator C. Brown presented a Report (No. 46) from the Special Committee on House Bill No. 221, recommending the passage of the Bill, as follows:

Hon. E. A. Knudsen,

President of the Senate.

Sir:—

The Select Committee composed of the Senators representing the Third Senatorial District to whom was referred House Bill No. 221, otherwise known as Representative Towse's Primary Bill, report that they have had same under consideration.

The Bill is not as elaborate nor as full in its provisions as the one first introduced in the House of Representatives and passed by that body and killed in the Senate.

As one of the planks of the Republican Party contained and



promised the passage of a Primary Bill, and as Representative Towse has confidence that the Bill under consideration will fulfill the pledge in respect to a Primary Bill and claims it will prevent all improper proceedings and clarify as it were actions heretofore had and done at previous primaries. that were not as proper as they should have been, and if possible, keep the game of politics above board and free from scandal.

We therefore recommend that the Senate take up consideration of the matter and pass the Act.

Respectfully submitted,

CECIL BROWN,  
E. W. QUINN,  
ALBERT F. JUDD,  
A. S. KALEIOPU,  
CHAS. F. CHILLINGWORTH.

Honolulu, April 25th, 1911.

Senator Makekau moved that the Bill be tabled; seconded by Senator J. T. Brown, and lost.

Upon motion by Senator Judd, seconded by Senator Fairchild, the Report of the Committee was adopted. House Bill No. 221 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 26, 1911.

Senator Judd presented a Report (No. 304) from the Judiciary Committee, recommending the passage of House Bill No. 272 with certain amendments, as follows:

#### REPORT ON HOUSE BILL NO. 272.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Sir:—

Your Judiciary Committee, to whom was referred House Bill No. 272, to Authorize the repayment to Henry K. Ogawa and Frank B. Craig of sums by them paid into the Territorial Treasury for Emigrant Agent's Licenses, begs leave to report as follows:

Upon investigation your Committee finds that there is a slight mistake in the amounts of money mentioned in this bill, in that the sums stated at \$166.66 should be \$166.67, a difference of one cent in each instance. Your Committee there-

fore recommends that the words and figures "One Hundred Sixty-six Dollars and Sixty-six cents (\$166.66)" wherever they occur in this bill be amended to read "One Hundred Sixty-six Dollars and Sixty-seven cents (\$166.67)."

Your Committee also finds the bill defective in not appropriating the money for the repayments sought to be made by this bill, and therefore recommends that the words

"and the sum of Three Hundred Thirty-three Dollars and Thirty-four cents (\$333.34) is hereby appropriated out of the general revenues of the Territory for this purpose" be inserted after the words "Hawaii" in line 7 of Section 1 of this bill, ending the amendment with a period, strike out the word "and" in line 7 of said section, and begin a new sentence with the words "The Auditor."

With these amendments it is believed that the bill is in proper form.

Your Committee upon investigation finds that the money sought to be repaid by this bill was illegally collected by the Government. At the time the Treasurer of the Territory received this money he was not advised by the Attorney General that the emigrant agent licenses could not now legally be granted by the Territory. In the meantime the money had become a government realization, and the only way it can be taken out of the Treasury now is by this appropriation bill.

Both of these men, Craig and Ogawa paid this money under a mistake of fact and should therefore be reimbursed.

Your Committee therefore recommends the passage of this bill as amended.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 25, 1911.

Upon motion by Senator Judd, seconded by Senator Fairchild, the Report of the Committee was adopted; House Bill No. 272 passed Second Reading as amended, and was placed on the Calendar for Third Reading on Wednesday, April 26, 1911.

Senator Judd presented a Report (No. 305) from the Judiciary Committee, recommending that House Joint Resolution No. 8 be tabled, as follows:

## REPORT ON HOUSE JOINT RESOLUTION NO. 8.

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was re-referred House Joint Resolution No. 8, Requesting the Board of Commissioners of Public Archives to deliver to the Hon. Jonah K. Kalaniana'ole the chest of silverware now in the Public Archives of the Territory, begs leave to report as follows:

This Resolution has been reported on by this Committee on the theory that the title to the chest of silver was in the Territory of Hawaii. The resolution was re-referred to the Committee to investigate the facts, it having been intimated that the title to the chest of silver as a matter of fact was not in the Territory.

Your Committee has had two meetings and before it has come evidence, oral and written, on this question of title. The proponents of the resolution have made the point that the chest of silver was a gift from the President of the French Republic to King Kalakaua during the early part of his reign. Reference was made also to an affidavit of William Kauwai, now deceased, who used to be a steward in the Palace. This affidavit is somewhere in the Government offices, but could not be found. Reference also was made to a letter from Col. Wm. Allen to the Governor on this subject in which Col. Allen states that the chest was a gift to King Kalakaua, and it was also stated that Col. Allen was Collector of Customs at the time, and must have known about the gift. It was further argued that in the separation in the Palace of private from public property many gifts of heads of States to the King had been turned over to the heirs of Kalakaua, as for instance, his decorations, a large wardrobe the gift of the King of Siam, and a couple of Japanese vases from the Mikado, and therefore this chest could with propriety be given to the heirs of Kalakaua.

On the other hand oral testimony has been presented before your Committee by Col. Curtis P. Iaukea to the effect that during the reign of King Kalakaua he was in the Palace off and on, and was familiar with what went on, and that at no time during the reign of King Kalakaua to his knowledge was any such chest of silverware given to the King. That he was also in the Palace during the latter part of the reign of King Kamehameha V, being employed in the steward's department as a boy. Mr. Iaukea identifies the silver positively as having been in the Palace in use during the time of King Kamehameha V. From Mr. Iaukea we also learn that William Shaw, now of Kaanapali, on the Island of Maui, was in the

service of King Kalakaua, and undoubtedly can testify concerning this chest of silver.

In view of this conflicting evidence your Committee is unanimously of the opinion that the Legislature is not the forum to decide the question of who owns the chest of silver. Your Committee believes that the matter should be decided in the Courts or by arbitration.

For the reasons above stated your Committee again recommends that the resolution be tabled.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.  
CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 25, 1911.

The Report of the Committee was adopted and House Joint Resolution No. 8 was tabled.

At 11:45 o'clock A. M., the Senate stood in recess until 2:00 o'clock P. M.

## AFTERNOON SESSION.

The Senate came to order at 2:00 o'clock P. M.

A Communication (No. 322) from the House of Representatives, notifying the Senate of the appointment of a Joint Conference Committee on Senate Bill No. 135, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform you that, in accordance with the non-concurrence of your Honorable Body in the amend-

ments made by the House to Senate Bill No. 135, the Speaker of the House has this day appointed the following as a Conference Committee for the further consideration of said Bill: Representatives Long, Waiholo and Huddy.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 323) from the House of Representatives, notifying the Senate that House Bill No. 170 had passed in the House, notwithstanding the veto of the Governor, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that House Bill No. 170, entitled "An Act Appropriating Twenty Thousand Dollars for the Purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax Under Sections 764 to 768 of the Penal Laws of 1897," this day passed in the House of Representatives of the Territory of Hawaii, the veto of the Governor to the contrary notwithstanding.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 324) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 85, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on House Bill No. 85 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 325) from the House of Representatives, notifying the Senate of the appointment of a Joint Conference Committee for the further consideration of Senate Bill No. 126, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform you that, in accordance with the non-concurrence of your Honorable Body in the amendments made by the House to Senate Bill No. 126, the Speaker of the House has this day appointed the following as a Conference Committee for the further consideration of said Bill:

Representatives Rice, Watkins and Archer.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 326) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on Senate Bill No. 127, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on Senate Bill No. 127 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 327) from the House of Representatives, returning Senate Bill No. 68 with certain amendments, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 68, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii with the following amendments:

Amend the title so as to read "An Act Providing for the Condemnation and Purchase of Certain Lands, Water Rights

and Water Ways in Palolo Valley and in Palolo Hill Tract in the City and County of Honolulu, Territory of Hawaii."

In line 18 of the preamble, strike out the figure "(1)"; in line 20 thereof, strike out the figures "850" and insert in lieu thereof the figures "700:" also strike out lines 21, 22, 23 and 24 of said preamble beginning with the figure "(2)" in line 21, and change the semicolon after the word "Tract" in said line 21 to a period.

In lines 3 and 4 of Section 1 strike out the words "upon the delivery to him by the Palolo Land & Improvement Company, Limited, of a good and sufficient deed of" and insert in lieu thereof the words "to proceed forthwith to acquire by condemnation as provided by law."

Amend subdivision 2 of Section 1 so as to read as follows:

"(2) All water rights and water ways owned by it, said Palolo Land & Improvement Company, Limited, in said Palolo Valley, and in and appurtenant to the lands hereinabove described, and to pay to said Palolo Land & Improvement Company, Limited, such sum not in excess of \$40,000.00 as may by judgment be awarded said Palolo Land & Improvement Company, Limited, because of said condemnation. Upon the acceptance by said Palolo Land & Improvement Company, Limited, of the amount awarded it in such condemnation proceedings, said Superintendent of Public Works is authorized and directed to proceed forthwith to construct at an elevation of not less than 700 feet above sea level a reservoir suitable to reasonably water the 'Palolo Hill Tract' (so-called) within twelve months after the rendition of final judgment of condemnation. Provided, however, that the Superintendent of Public Works shall not proceed by condemnation or otherwise to acquire said crater, water shed and water rights unless and until:

(1) The Superintendent of Public Works shall be satisfied by examination and tests covering not more than one year, that the amount of said waters be not less than the minimum amount of 500,000 gallons of water per day, and

(2) The Palolo Land & Improvement Company, Limited, give to the Territory of Hawaii a good and sufficient deed of land for a reservoir site of not more than five acres in extent and at an elevation of not less than 700 feet; the location and area to be subject to the approval of the Superintendent of Public Works."

In line 3 of Section 2 strike out the words "general revenues of the Territory" and insert in lieu thereof the words "loan fund."

Very respectfully yours,

EDWARD WOODWARD.  
Clerk, House of Representatives.



The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the amendments to Senate Bill No. 68 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kalama and Pali.

At this juncture, a Message (No. 12) from the Governor, vetoing certain items in House Bill No. 145, was received and read by the Clerk as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii.

Executive Chamber,

Honolulu, April 25, 1911.

To the Legislature:

I return herewith House Bill No. 145, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii," which I have approved with the exception of the following item, which I do not approve and hereby veto:

"Claim of James Quinn for loss of automobile \$2,000."

Under decisions of both the Supreme Court of the Territory and the Supreme Court of the United States, the Territory is not liable in cases of this kind, and this is in line with the policy generally adopted or recognized by the courts and legislatures of the several states and territories on the mainland.

Even if the Territory were liable to suit in cases of this kind, it would seem, from the facts in this particular case, that the claim could not be sustained in the courts.

If it should be deemed advisable to make an exception in this case—which might prove embarrassing in other cases—the better course would seem to be to do so by authorizing the claimant to sue the Territory and requiring him to establish his claim in the usual manner in the courts, which are the appropriate tribunals for determining such matters.

WALTER F. FREAR,

Governor of Hawaii.

Consideration of the Message was deferred until Wednesday, April 26, 1911.

A Communication (No. 328) from the House of Representatives, transmitting House Concurrent Resolution No. 28, relating to a State Constitution, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 25, 1911.

To the Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 28, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

**EDWARD WOODWARD,**  
Clerk, House of Representatives.

**HOUSE CONCURENT RESOLUTION NO. 28.**

WHEREAS, the citizens of Hawaii, previous to annexation of the Islands by the United States, had established and maintained for more than fifty years an independent national government and thereby demonstrated their capacity for self government under and equal to the responsibilities of a sovereign State, and

WHEREAS, annexation by one of the great powers of the world was inevitable owing to the mere numerical weakness of such a small State, and its inability to support armed defense on land and sea, and

WHEREAS, immediately following the annexation of Hawaii by the United States, Congress passed an Organic Law giving Hawaii the status of a Territory that has been the traditional stepping stone to Statehood, and

WHEREAS, under this form the citizens of Hawaii have conducted their government in a conservative, patriotic and able manner, proving liberally in all manner for the development

of the highest standards of American citizenship among all classes of the cosmopolitan population, and

WHEREAS, Hawaii, the State, is as certainly the natural and ultimate destiny of these islands as was the annexation by and admission as an integral part of the United States of America, and

WHEREAS, the record of our people of the present day, the evidences of their thrift in the figures of per capita, the proofs of their intelligence and ambition as shown by the small percentage of illiteracy among them, is such as to command for them a respect and confidence equaling that accorded the citizens of any State in the Union,

THEREFORE, BE IT RESOLVED by the House of Representatives, Session of 1911, the Senate concurring, that the Congress of the United States is hereby requested and respectfully petitioned to pass an enabling act authorizing the citizens of the Territory of Hawaii to, and naming the date when they shall, elect delegates to a constitutional convention for the purpose of framing a constitution for the government of the State of Hawaii, the same to be in full force and effect when approved by Congress and the President in the manner and form usual to the admission of States, and

BE IT FURTHER RESOLVED, That a copy of this Resolution be forwarded to the President of the United States, the President of the United States Senate and the Speaker of the House of Representatives at Washington, and to the Honorable Jonah K. Kalanianaʻole.

The Communication was received and placed on file, and the Concurrent Resolution was referred to the Judiciary Committee.

A Communication (No. 329) from the House of Representatives, transmitting House Concurrent Resolution No. 29, relative to maps and plans of public properties, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent

Resolution No. 29, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

HOUSE CONCURRENT RESOLUTION NO. 29.

WHEREAS, under the existing system of County Government, the care, custody and control of the public roads, school houses, jails and hospitals is with the several Counties, including the City and County of Honolulu, and

WHEREAS, in order to properly perform these duties, it is necessary that maps, plans and specifications of such public properties should be furnished the Board of Supervisors of the several counties, including said City and County.

THEREFORE, BE IT RESOLVED by the House of Representatives of the Legislature of the Territory of Hawaii, the Senate concurring, that the Superintendent of Public Works be and he hereby is instructed to furnish, prior to July 1, 1911, to said respective Boards of Supervisors said maps, plans, specifications together with such other material data as may be in his possession.

The Communication was received and placed on file.

Consideration of Governor's Message No. 11 vetoing House Bill No. 170, entitled "An Act Appropriating Twenty Thousand Dollars for the Purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax Under Sections 764 to 768 of the Penal Laws of 1897."

The Bill passed, notwithstanding the veto of the Governor, on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: Senator Judd.

Absent and not voting: Senators Kalama and Pali.

At this juncture, Senator Chillingworth moved that House Joint Resolution No. 8 be taken from the table for consideration. Seconded by Senator Judd, and carried.

Upon motion by Senator Chillingworth, seconded by Senator Makekau, the Resolution passed Second Reading and was placed on the Calendar for Third Reading on Wednesday, April 26th, 1911.

Reconsideration of House Bill No. 66.

Upon motion by Senator Makekau, seconded by Senator Fairchild, the Bill was tabled.

At 2:38 o'clock P. M., the Senate stood in recess until 4 o'clock P. M.

The Senate came to order at 4:13 o'clock P. M.

Senator Fairchild presented a Report (No. 47) from the Joint Conference Committee on Senate Bill No. 22, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, Hawaii, April 25, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Hon. H. L. Holstein,  
Speaker, House of Representatives.

Gentlemen:—

Your Joint Conference Committee to which was referred Senate Bill No. 22, entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1913," begs leave to report that it has had the same under careful consideration, and would recommend the final passage of the Bill as amended by the House, with the following amendments:

Re-insert under the heading "PUBLIC WORKS," sub-head "General"—"Superintendent of Public Works (\$400.00) 9,600.00."

Re-insert the words "Gunpowder and Kerosene Oil Keeper" after the word "Pilot" under the sub-head "Hilo."

Re-insert the words "Gunpowder and Kerosene Oil Keeper" after the word "Pilot" under the sub-head "Kahului."

Insert the following paragraph at the end of the heading "SURVEY" and before the heading "BOARD OF HEALTH."

"All of the expenditures of the Board of Agriculture and Forestry, Division of Forestry, Division of Entomology, Divi-

sion of Animal Industry, are to be paid from the conservation fund."

Re-insert item

"Keeper Powder Magazine, Honolulu \$1,800.00"

Transfer the words "free of charge" at the end of the paragraph "Pay of Government Physicians" to follow the words "indigent sick" of the same paragraph.

Insert the words "Molokai" after the word "Maui" in the same sub-head.

Insert the words "and Sanitarium" at the end of the item "Aid to Maui County Farm."

Add the word "Kauai" after the words "Lihue Hospital," in the line following.

Insert a new item to read "Aid to Tuberculosis Ward, Wai-mea Hospital, Kauai 2,400.00" after the previous item.

To all of the other amendments made by the House the Committee concurred.

Respectfully submitted,

GEO. H. FAIRCHILD,  
CECIL BROWN,  
JOHN T. BROWN,  
WM. T. ROBINSON,  
E. W. QUINN,

Senate Conferees.

CHAS. A. RICE,  
GEO. P. COOKE,  
M. K. MAKEKAU,  
NORMAN WATKINS,  
S. P. CORREA,

House Conferees.

The Bill was recommitted to the Joint Conference Committee upon motion by Senator Fairchild, seconded by Senator Judd.

A Communication (No. 68) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bill No. 264, was read by the Clerk as follows:

## SENATE JOURNAL.

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 25, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

•  
By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed House Bill No. 264, as Act 142, entitled "An Act to Protect Purchasers from Fraudulent Conveyances of Personal Property."

Very Respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk

The Communication was received and placed on file.  
Senator C. Brown presented a Report (No. 48) from the Joint Conference Committee on Senate Bill No. 126, recommending the passage of Senate Bill No. 126 with one amendment, as follows:

## SENATE CHAMBER.

April 25, 1911.

REPORT OF JOINT CONFERENCE COMMITTEE ON  
SENATE BILL NO. 126.

To the Hon. H. L. Holstein,  
Speaker of the House of Representatives.

To the Hon. E. A. Knudsen,  
President of the Senate.

Gentlemen:—

The Joint Conference Committee on Senate Bill No. 126 relating to the condemnation of the Pauoa Water rights belonging to the late C. W. Booth, beg leave to report that they have had a joint conference upon the amendments made to

said Act by the House of Representatives, and hereby report that at such joint conference, agreement was arrived at that the amendments made by the House of Representatives be concurred in, with this exception, that the words; "and in all lands to which such water or any part thereof is appurtenant" on lines 7 and 8 of the amended Bill, be stricken from the Act as amended, and that said Act so amended with such deletion as above set forth, we recommend pass.

CHAS. A. RICE,

Chairman.

NORMAN WATKINS

House of Representatives  
Joint Conferees.

CECIL BROWN,

Chairman.

GEO. H. FAIRCHILD,

CHAS. F. CHILLINGWORTH,  
Senate Joint Conferees.

The Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Kalama and Pali.

A Communication (No. 330) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on Senate Bill No. 36, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on Senate



Bill No. 36 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Senator Judd presented a Report (No. 306) from the Judiciary Committee, recommending the adoption of House Concurrent Resolution No. 28, as follows:

**REPORT ON HOUSE CONCURRENT RESOLUTION NO. 28.**

To the Honorable Eric A. Knudsen,  
President of the Senate.

Your Judiciary Committee, to whom was referred House Concurrent Resolution No. 28, introduced by the Judiciary Committee of the House, Requesting Congress to pass an Act enabling the citizens of this Territory to frame and adopt a State Constitution, begs leave to report as follows:

Your Judiciary Committee unanimously recommends the adoption of this Resolution. It is perhaps peculiarly fitting that this Resolution be adopted now, in view of the fact that so much is being said about the desire of the Departments of the Federal Government that Hawaii should come under Federal Control. The campaign for Statehood will take years, and the earlier we start, and the harder we work to that end the sooner will come the realization of our hopes. We cannot expect our request to be granted until the population of Hawaii is large enough to justify Congress in so doing. Hawaii's population today is 191,909, while the population of the smaller states in the Union is as follows:

Nevada 81,875

Wyoming 145,965

Delaware 202, 322

Arizona 204,354

From which it will be seen that Hawaii has a larger population than the two smallest States, and is very close in population to the next higher States in the Union.

If Hawaii keeps before her the goal of Statehood the standards of the public service will always be high, and if Hawaii keeps before the Congress of the United States the facts and figures upon which she bases her claim to Statehood the sooner will that goal be reached.

Your Committee therefore recommends the adoption of this Resolution.

Respectfully submitted,

JUDICIARY COMMITTEE,

ALBERT F. JUDD,  
Chairman.

CECIL BROWN,  
R. H. MAKEKAU,  
Committee.

April 25, 1911.

The Report of the Committee was adopted, carrying with it the adoption of the Resolution.

Senator Chillingworth presented a Report (No. 49) from the Joint Conference Committee on House Concurrent Resolution No. 20, as follows:

Honolulu, T. H., April 25, 1911.

Hon. H. L. Holstein,  
Speaker, House of Representatives, and

Hon. E. A. Knudsen,  
President of the Senate.

Sirs:—

Your Joint Special Committee to which was referred House Concurrent Resolution No. 20, offered by Representative Wm. J. Sheldon, requesting that a Joint Committee be appointed to investigate the Boys' and Girls' Industrial Schools, begs leave to report as follows:

In pursuance thereof, this Committee visited the Boys' Industrial School at Waialeale, this island, on Sunday the 9th of this month and it was confronted with a very unsatisfactory state of affairs.

It found the boys underfed, scantily clothed, ragged, dirty and in a sullen and rebellious mood. A lack of cleanliness was apparent throughout.

For the scarcity of food and clothing, it is said the last Legislature is to be blamed, for not inserting a sufficient amount in their appropriation bill to cover the needs here, but had the Superintendent of Public Instruction made a

proper explanation at the time, of the conditions and needs here, a sufficient amount would have undoubtedly been inserted in the appropriation for them.

Again, that Legislature did set aside an emergency fund of \$50,000.00 to provide for just such a situation as this, and it is to be regretted that some of this fund was not used.

The bread was very poorly baked and soft in the middle. What was called stew consisted of some meat and vegetables with taro leaves thrown in, all stirred around with a stick until brought up to the consistency of pigs' swill.

In clothing the boys had one suit a piece and ragged at that, one sheet and an apology for a blanket.

However, there was a general air of uncleanness about the person of the boys, their clothes, the sheets, pillow cases and dormitories throughout. No soap for the boys to wash with, and clothes washed but once a week on Saturday mornings, which has to be hurried through in order that they may be dry by afternoon.

A matter that attracted this Committee's attention was, that there is not sufficient room to accomodate the number of boys there, two or three of them being huddled into one seat, they are also cramped up in the dormitories.

Another noticeable thing is, that there is practically no instruction at all for the larger boys. They are aroused at 5:30 o'clock each morning, except Saturdays and Sundays, and are taken to Kahuku to cultivate cane, returning about 4 in the afternoon. The smaller boys get about one and a half hours instruction a day.

We do not think that this is carrying out the intention of the Legislature when it changed this institution from a Reformatory School to an Industrial School.

It appears that the net proceeds from the cultivation of cane is applled in part towards the running expenses of that institution, the boys getting a few dollars out of it.

With reference to medicine and medical attendance, we understand that the Board of Health will furnish them with both free of charge. We think that the custom of deducting out of the little earnings of the boys, their Doctor bills whose charges are \$5.00 for a day visit and \$10.00 a night visit, scandalous.

Complaints are numerous against guard Kuoha who is also band-master. He is charged with harsh and inhuman treatment. Your Committee has investigated this and found that there is unquestionably good foundation for these charges. We find on inquiry that under the former Superintendent he had on several occasions been brought to task for cruel treat-

ment of the boys and was finally threatened with immediate discharge if repeated. This warning had the desired effect up to the retirement of that Superintendent, but since then Kuoha has resumed his old methods in which he now appears to be upheld by the present Superintendent.

We now understand that differences between the boys and guard Kuoha have been satisfactorily adjusted since the introduction of this resolution.

We strongly condemn the method employed here of compelling refractory boys to carry a ball and chain around for weeks at a time in order to maintain discipline. They have even been forced to work in the taro patches thus encumbered.

We therefore recommend that the Superintendent of Public Instruction be requested:

To immediately secure the means for properly feeding and clothing these boys, which are already provided for:

To make arrangements with the President of the Board of Health for free medicines and medical attendance for this institution.

To install a telephone, and

To abolish the ball and chain punishment.

#### GIRLS' INDUSTRIAL SCHOOL.

This was visited the Sunday following the 16th inst. and great contrast was noticeable all around.

The buildings though old and delapidated and beyond the stage of repair were scrupulously clean and neat in appearance throughout. Everything within was the picture of cleanliness; bedrooms, dining room and kitchen.

The matron in charge, Miss Sadie C. Sterritt impressed us with the fact that she is a woman of marked ability in her line of profession. All the girls here exhibit a marked affection for her and none could be induced to say a word of complaint against her. It was noticeable that the dark cells, are only used as storerooms now. There is no need for the dark cells in that school.

Your Committee took occasion to inquire of Miss Sterritt, the number of girls coming into the school from tenements and learned that of 41 girls in there, 25 came directly from tenements, the majority of the others having at some time lived in tenements and came to the school from small cottages in the tenement districts, showing that the crowding of many families in one building certainly has a demoralizing effect on

the young. This question is one that our civic religious bodies might well take in hand.

The most urgent needs here at present are new buildings to replace the old and a new location for the School with different surroundings.

Respectfully submitted,

WM. J. SHELDON,  
Chairman, Joint Special Committee.

HENRY L. KAWEWEHI,  
E. A. C. LONG,  
CHAS. F. CHILLINGWORTH,  
WM. T. ROBINSON,  
GEO. C. HEWITT.

The Report of the Committee was received and placed on file.

At this juncture, Senator Chillingworth moved that all Bills, Resolutions, etc., in the hands of the different Standing and Special Committees, be returned to the Senate and laid on the table. Seconded by Senator Judd, and carried.

Senator Chillingworth presented a Report (No. 50) from the Joint Conference Committee on Senate Bill No. 135, recommending the passage of the Bill with one amendment, as follows:

Honolulu, Hawaii, April 25, 1911.

Hon. E. A. Knudsen,  
President of the Senate.

Hon. H. L. Holstein,  
Speaker, House of Representatives.

Gentlemen:—

Your Conference Committee on Senate Bill No. 135 have had same under consideration and recommend accepting the amendments of the House with the following amendment, viz:

In line 4 of Section 1, strike out the word (16) "sixteen" and in lieu thereof insert the word "seventeen."

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
CECIL BROWN,  
WM. T. ROBINSON,  
Senate Committee.

E. A. C. LONG,  
GEO. H. HUDDY,  
EDWARD WAIAHOLO,  
House Committee.

The Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Hewitt, Judd, Kaleiopu, Makekau, Quinn, Robinson, and President Knudsen. Total, 11.

Noes: None.

Absent and not voting: Senators Fairchild, Kalama, and Pali.

Senator Chillingworth, for the Committee on Public Health, reported verbally, recommending the passage of House Bill No. 151.

Upon motion by Senator Chillingworth, seconded by Senator C. Brown, the verbal Report of the Committee was adopted. House Bill No. 151 passed Second Reading, and was placed on the Calendar for Third Reading on Wednesday, April 26, 1911.

A Communication (No. 331) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on Senate Bill No. 22, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

report of the Special Joint Conference Committee on Senate Bill No. 22 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 332) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on Senate Bill No. 135, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Special Joint Conference Committee on Senate Bill No. 135 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.  
At 5:05 o'clock P. M., the Senate adjourned.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.

SIXTIETH DAY.

Wednesday, April 26, 1911.

The Senate met at 10:00 o'clock A. M., pursuant to adjournment.

After prayer by the Chaplain, the Roll was called, showing all Senators present.

The Journal of the Fifty-ninth Day was read and approved.

A Communication (No. 333) from the House of Representatives, returning Senate Concurrent Resolution No. 11, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Resolution No. 11, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 334) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 246, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the



Senate amendments to House Bill No. 246 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 335) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 224, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 224 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 336) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on Senate Bill No. 126, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the

report of the Special Joint Conference Committee on Senate Bill No. 126 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 337) from the House of Representatives, notifying the Senate of the final passage of Senate Bill No. 29, notwithstanding the veto of the Governor, was read by the Clerk as follows:

HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 25, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that Senate Bill No. 29, entitled "An Act for the Relief of John A Cummins," this day passed in the House of Representatives of the Territory of Hawaii, the Veto of the Governor to the contrary notwithstanding.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

At 10:23 o'clock A. M., a Message (No. 13) from the Governor, submitting certain appointments for approval by the Senate, was read by the Clerk as follows:

A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber,

Honolulu, April 26, 1911.

To the Senate:

I hereby nominate for appointment with the advice and

consent of the Senate the following persons for the following offices, such appointments to be made at the times and for the terms authorized by law:

**SURVEYOR.**

Walter E. Wall.

**MEMBER, BOARD OF HEALTH.**

D. Kalauokalani, Sr.

**MEMBER, BOARD OF MEDICAL EXAMINERS.**

William C. Hobdy.

**TRUSTEE, LIBRARY OF HAWAII.**

Winfred H. Babbit.

**COMMISSIONERS OF PUBLIC INSTRUCTION.**

William L. Stanley  
Mrs. May Wilcox  
John T. Moir  
Ella H. Paris  
Worth O. Aiken  
William H. Rice

**DEPARTMENT OF IMMIGRATION, LABOR AND  
STATISTICS.**

Richard Ivers  
Ernest H. Wodehouse  
A. L. C. Atkinson  
John J. Carden  
Fred L. Waldron

**SANITARY COMMISSION OF HONOLULU.**

George R. Carter  
Charles R. Hemenway  
Arnold H. Currie  
Arthur R. Keller

**PANAMA-PACIFIC EXPOSITION COMMISSION.**

H. P. Wood  
John A. Hughes  
J. N. S. Williams  
Charles E. Wright

COMMISSION TO PROMOTE UNIFORMITY OF LEGISLATION.

David L. Withington  
Charles F. Clemons  
Carl S. Smith.

BOARD OF VETERINARY EXAMINERS.

Victor S. Norgaard  
William T. Monsarrat  
Harold B. Elliott.

FENCE COMMISSIONERS, KAU.

Robert T. Forrest  
C. G. Macomber  
Luka Kila.

FENCE COMMISSIONERS, MOLOKAI.

Christian C. Conradt  
Solomon Fuller  
J. H. Mahoe.

WALTER F. FREAR,  
Governor of Hawaii.

The appointments were confirmed.

Senator Chillingworth introduced a Concurrent Resolution (No. 13) for the relief of such as have suffered losses arising out of the recent outbreak of Cholera.

Referred to the Committee on Ways and Means.

Consideration of House Concurrent Resolution No. 13.

The Resolution was read by the Clerk as follows:

HOUSE CONCURRENT RESOLUTION NO. 13.

WHEREAS, a Bill has been introduced into the Congress of the United States to authorize the establishing of a National Park in the region of the active crater of Kilauea in the Island and County of Hawaii of this Territory, to the end that the scenic wonder and volcanic phenomena of that region may be henceforth maintained as a public reservation for the benefit of all people and the enabling of scientific research of volcanic phenomena; and

WHEREAS, in the Message of the Governor of the Territory to the present session of the Legislature, an expression

of opinion by the Legislature is suggested upon this important subject; and

WHEREAS, it is further considered by the property owners and leaseholders that will be affected by the creation of this proposed park, as well as by the public at large, laudable and praiseworthy purpose; and

WHEREAS, it appears that the only opposition to the project is due to the boundaries of the Park as in said Bill described which, it is claimed by the parties affected, are of greater magnitude than necessary for the object sought and unnecessarily take in large tracts of timber and grazing lands not essential to the creation of a "Volcano Park;" and

WHEREAS, in order to allay any and all opposition to the general plan for a National Park at Kilauea, it is desirable to modify the boundaries defined in the Bill introduced into the Congress of the United States for the creation of said Park on lines that will retain within the boundaries of the proposed National Park the whole of the Crater of Kilauea and of Kilauea-iki and other volcanic phenomena in the vicinity, together with a right of way from said park lines to the crater of Mokuaweoweo on the summit of Mauna Loa;

THEREFORE BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring, that the Congress of the United States be and is hereby petitioned and requested to create the said Park on the lines or boundaries indicated on the memorandum and on the map attached, modifying as shown thereon the excessive area provided for in the original plan, it being evident that all opposition to the project will be then dissipated, and that the interests of all concerned, both public and private, will be the better subserved; and

BE IT FURTHER RESOLVED that the Superintendent of Public Works be instructed to immediately provide a technical description of the boundaries referred to in this Resolution, as modifying the lines originally laid out, in order that the same may go forward with this Resolution to Congress for its consideration and action.

BE IT FURTHER RESOLVED that a copy of this Resolution with said technical description be transmitted to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and also to the Delegate to Congress of this Territory.

**PROPOSED BOUNDARIES OF THE KILAUEA NATIONAL  
PARK, HAWAII.**

Beginning at a point on the West edge of the Keamoku Aa Flow (Lava Flow of 1823), from which point the true azimuth and distance to Government Survey Trig. Station "Ohaika" is 166 deg. 20 min. 6350.0 feet, and running by true azimuths:

1. Along the West edge of the Keamoku lava Flow in a Northeasterly and Northwesterly direction, the direct azimuth and distance being 194 deg. 45 min. 15118.0 feet;
  2. 256 deg. 15 min. 23000 feet, more or less, across the lands of Kapapala and Keauhou to the Southwest boundary of the land of Olaa;
  3. 329 deg. 31 min. 16200 feet, more or less, along the land of Olaa;
  4. 360 deg. 00 min. 2500 feet, more or less, along the land of Keaau;
  5. 334 deg. 00 min. 7000 feet along the land of Kahaualea;
  6. 281 deg. 00 min. 30455 feet, more or less, across the land of Kahaualea, passing through the North corner of the land of Panaunui to the North corner of the land of Laeapuki;
  7. 31 deg. 30 min. 13200 feet, more or less, along the land of Laeapuki and across the land of Panaunui;
  8. 89 deg. 40 min. 32225 feet, more or less, across the lands of Panaunui, Apua and Keauhou to "Pali-lele-o-Kalihipaa," the boundary point of the Keauhou-Kapapala boundary;
  9. 62 deg. 50 min. 6200 feet across the land of Kapapala;
  10. 101 deg. 00 min. 17700 feet across the land of Kapapala to a small cone about 1500 feet Southwest of "Puu Koae" Trig. Station;
  11. 166 deg. 20 min. 21000 feet across the land of Kapapala to the point of beginning.
- Area 38,275 Acres.

**THE HOUSE OF REPRESENTATIVES OF THE  
TERRITORY OF HAWAII.**

Honolulu, T. H., April 22, 1911.

We hereby certify that the foregoing Concurrent Resolution

was this day adopted in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,  
Speaker, House of Representatives.

EDWARD WOODWARD,  
Clerk, House of Representatives.

**THE SENATE OF THE TERRITORY OF HAWAII.**

Honolulu, T. H., April 26, 1911.

We hereby certify that the foregoing Concurrent Resolution was this day adopted in the Senate of the Territory of Hawaii.

ERIC A. KNUDSEN,  
President of the Senate.

JOHN H. WISE,  
Clerk of the Senate.

Deferred until the afternoon session.

A Communication (No. 338) from the House of Representatives, returning Senate Bill No. 50 with certain amendments, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Bill No. 50, which this day passed Third Reading in the House of Representatives of the Territory of Hawaii, amended to read as follows:

**A N A C T**

**TO PROVIDE FOR PUBLIC IMPROVEMENT.**

Be It Enacted by the Legislature of the Territory of Hawaii:

Section 1. The following sums are hereby appropriated for

the following purposes, out of any available moneys now in the Treasury or hereafter received by the Treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

- |  |              |              |
|--|--------------|--------------|
| 1. Honolulu Water Works .....  | \$500,000.00 |              |
| 1a. Honolulu Sewers .....  | 150,000.00   |              |
| 2. To condemn and acquire for the use and benefit of the Territory of Hawaii, all rights owned by the late Charles W. Booth at the time of his death, in all springs as well as waters of Pauoa Stream and Valley, and in Pacific Heights waters and water works, and in such undeveloped land, mauka of the spring known as Kahuawai, which surround sources of such water or water-leads thereof and in necessary rights-of-way to pipe the water out as may, in the opinion of the Superintendent of Public Works, be necessary for insuring the purity of such water, at a price not to exceed ..... | 100,000.00   |              |
| 3. To condemn and acquire certain water shed and water rights in Palolo Valley and construction of reservoir and pipe lines thereto . ....   | 65,000.00    | \$815,000.00 |
|  | <hr/>        |              |

#### WHARF AND HARBOR IMPROVEMENTS:

(To be expended under the direction of the Harbor Commission)

- |   |              |
|---|--------------|
| 4. Honolulu . ....  | \$350,000.00 |
| 5. Hilo; on condition that the Hilo Railroad Company enters into an agreement satisfactory to the Harbor Commission to extend its railroad to such wharf and thereafter operate it to such wharf as a common carrier for a term not less than ten years ..... | 200,000.00   |



6.	Kaawaloa; on condition: (1) that the Kona-Kau Railroad Company enters into an agreement satisfactory to the Harbor Commission to construct at least fifteen miles of railroad with its terminus at such wharf and to operate the same to such wharf as a common carrier for a term of not less than ten years; or (2) that the West Hawaii Railway Company, Limited, enters into an agreement satisfactory to the Harbor Commission to extend its present line to such wharf and to operate the same to such wharf as a common carrier for a term of not less than ten years.....	80,000.00	
7.	Napoopoo (Wharf and Shed) ....	15,000.00	
8.	Kahului; including purchase of present wharf .....	30,240.00	
9.	McGregor's Landing or Kihei, at the discretion of the Harbor Commission . ....	9,000.00	
10.	Waikane . ....	7,500.00	
11.	Kalihiwai . ....	5,000.00	\$696,740.00

**NEW BUILDINGS, ADDITIONS, EQUIPMENT AND OTHER  
IMPROVEMENTS, AS FOLLOWS:**

12.	Library of Hawaii .....	\$ 25,000.00
13.	College of Hawaii .....	75,000.00
14.	Girls' Industrial School .....	40,000.00
15.	Boys' Industrial School .....	30,000.00
16.	Lahainaluna School .....	25,000.00
17.	Insane Asylum .....	50,000.00
18.	Prison . ....	75,000.00
19.	Kalihi Hospital .....	25,000.00
19a	Board of Health Buildings, Hilo...	10,000.00
19b	Armory; Honolulu, on condition that a suitable site be obtained therefor . ....	100,000.00
19c	Armory, Lahaina .....	10,000.00
19d	Kapiolani Park Improvements ....	12,000.00
19c	Reclamation Government Swamp Lands, Lahaina .....	35,000.00

19f Extension, Waimea River Embankment . . . . .	18,000.00	
19g Addition to South Hilo Court House . . . . .	5,000.00	\$535,000.00
		<hr/>

SECTION 2. The following sums also are hereby appropriated for the following purposes, out of any available moneys now in the Treasury or hereafter received by the Treasurer for or on account of loan funds, and bonds may be issued as provided by law to the extent necessary to yield the amounts herein appropriated:

CONSTRUCTION OF BELT ROADS AND BRIDGES:

20. City and County of Honolulu ..	\$200,000.00	
21. County of Maui . . . . .	370,000.00	
22. County of Hawaii . . . . .	600,000.00	
23. County of Kauai . . . . .	100,000.00	\$1,270,000.00
		<hr/>

COUNTY AND CITY AND COUNTY IMPROVEMENTS:

City and County of Honolulu:

24. Land Damages and macadamizing extension School Street, from Kalihi Road to Gulick Avenue . . . . .	\$ 10,000.00	
25. Land Damages, widening and macadamizing Frog Lane, from School Street to Kuakini Street . . . . .	10,000.00	

County of Hawaii:

26. Approach to Honokaa Landing from Government Road . . . . .	5,000.00	\$ 25,000.00
		<hr/>

County of Maui:

27. Completion of the Kula Pipe Line and its branches, extending the main line from Waiakamoi to water head in Puohokamoa, the building of reservoirs at Waiakamoi, at or near Palluli and Keokea..	50,000.00	
28. Other new water works . . . . .	30,000.00	

City and County of Honolulu:

- 29. Waialua Water Works .....\$ 10,000.00
- 30. Luualalei-kai Pipe Line ..... 10,000.00

County of Hawaii:

- 31. Kau Water Works; Pipe Line  
from Waiohinu Springs to  
Kamoa Homesteads, via Kio-  
lokaa and Keaa Homesteads 5,000.00
- 32. Purchase of water shed, Hilo,  
from the Hawaiian Board of  
Missions . . . . . 7,500.00
- 33. Waiohinu . . . . . 5,000.00
- 34. Kamuela Water Works ..... 3,000.00 \$ 120,500.00

SCHOOL BUILDINGS AND EQUIPMENT, AS FOLLOWS:

City and County of Honolulu:

- 35. Kaimuki . . . . . \$60,000.00
- 36. Pohukaina . . . . . 30,000.00
- 37. Kauluwela . . . . . 30,000.00
- 38. Kalihi-kai . . . . . 8,000.00
- 39. Kahaluu . . . . . 5,000.00 \$133,000.00

County of Maui:

- 40. Lahaina . . . . . \$30,000.00
- 41. Miscellaneous new  
school buildings  
and additions ..... 20,000.00 \$ 50,000.00

County of Hawaii:

- 42. Hilo Union . . . . . \$65,000.00
- 43. Napoopoo . . . . . 8,000.00
- 44. Keaiwa, Kau . . . . . 3,000.00 \$ 76,000.00

County of Kauai:

- 45. Eleele . . . . . \$ 20,000.00 \$ 279,000.00

COUNTY BUILDINGS:

City and County of Honolulu:

46.	Waialua Court House, Jail and Jailor's Cottage . . . . .	\$ 6,000.00	
47.	Purchase site and new Court House, Jail and Jailor's Cot- tage, Ewa . . . . .	10,000.00	\$ 16,000.00

County of Hawaii:

48.	Hospital at Popoia, Kona . . . . .	\$ 5,000.00	
49.	Hospital, N. Kohala . . . . .	5,000.00	\$ 10,000.00

County of Kauai:

50.	County Building, Li- hue . . . . .	\$ 30,000.00	\$ 56,000.00
Total . . . . .			\$3,797,240.00

Section 3. The provision of Act 62 of the Laws of 1909, and amendments thereto, shall apply to all said items to the same extent as if they were a part of this Act, provided, that the work referred to in said items numbered 15 and 18, both inclusive, may be performed without contracting therefor, after advertisement for tenders, in so far as that may be deemed advisable by the Superintendent of Public Works, with the approval of the Governor, in order to utilize for that purpose the labor of the inmates of the institutions therein referred to.

Section 4. The present site and buildings of the prison and the neighboring Kuwili land or any part or parts thereof may be sold, and so much of the proceeds thereof as may be necessary may be used for the purchase of a new site for the prison and or for the construction of new buildings and equipment for the prison, in whole or in part, in additions to or substitution for the sum appropriated in said item numbered 18.

Section 5. The expenditure of the appropriation, the letting of contracts and the performance of the work under each of said items numbered 20 to 50, both inclusive, shall be under the direction and subject to the approval of a commission for each county and city and county, consisting of the Superintendent of Public Works, the Mayor or Chairman of the Board of Super-

visors and three other persons, appointed by the Governor, as provided in Section 80 of the Organic Act, who are residents of the County or City and County in which such work is to be performed; provided, that no bonds shall be issued, moneys expended or work performed, by or for the Territory, under or through such commission, or otherwise, for any object referred to in said items numbered 35 to 45, both inclusive, in case the Board of Supervisors of the County or City and County in which the work for such object is to be performed, shall within three months after the approval of this Act, undertake, to the satisfaction of such commission, to perform such work within the biennial period ending June 30, 1913, out of the funds of such county or city and county.

Section 6. All bonds, the proceeds of which shall be applied to the objects referred to in said items numbered 1 and 1a, shall be deemed to be included in the indebtedness, the payment of which and of the interest thereon is provided for in Act 105 of the Laws of 1909.

Section 7. Each County or City and County shall pay to the Territory, on the interest dates of any bonds that may be issued by the Territory, the proceeds of which shall have been expended for such of the works referred to in said items numbered 20 to 50, both inclusive, as shall have been constructed in such county or city and county, interest upon an amount equal to the par value of such bonds at the rate of interest specified in such bonds, and also such sums annually on the second interest date and the same date each year thereafter, during the term for which such bonds shall have been issued, whether afterwards refunded or not, that the aggregate of such sums so annually paid will, compounded annually at such rate of interest, equal, at the expiration of such term, such par value; and the Auditor of the Territory is hereby authorized to deduct from the amount of any warrant or warrants otherwise issuable by him to the Treasurer of such County or City and County, such amounts when due, as are required by this Section, to be paid by such county or city and county, and proper receipts shall thereupon be exchanged between the Treasurers of the Territory and of such County or City and County; provided however, that such County or City and County may, at the option of its Board of Supervisors, pay on account of such bonds on any such interest date, any additional sum, and when the accrued values of all sums other than interest, paid on account of such bonds, shall equal the par value of such bonds, all the obligations of said County or City and County in respect of such bonds, principal and interest, shall be discharged. Every such additional sum so paid shall be deposited to the credit of the sinking fund provided for by .

Act 97 of the Laws of 1907, in addition to the amounts required to be deposited by said Act.

Section 8. This Act shall take effect on its approval."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Chillingworth, seconded by Senator Fairchild, the amendments to Senate Bill No. 50 were concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Consideration of Governor's Message No. 12 vetoing that item of House Bill No. 145, carrying an appropriation of \$2,000.00 for the relief of James Quinn.

The item failed to pass on the following division of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Hewitt, Kaleiopu, Makekau, Quinn, and Robinson. Total, 8.

Noes: Senators Baker, Judd, Kalama, Pali, and President Knudsen. Total, 5.

Absent and not voting: Senator Fairchild.

Third Reading of House Joint Resolution No. 8.

The Resolution failed to pass Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Hewitt, Kalama, Kaleiopu, and Robinson. Total, 7.

Noes: Senators C. Brown, Judd, Makekau, Pali, Quinn, and President Knudsen. Total, 6.

Absent and not voting: Senator Fairchild.

Third Reading of House Bill No. 269, entitled "An Act to Amend Section 1034A of the Revised Laws, as Enacted by Act 29 of the Laws of 1911, Relating to Improvement of Insanitary Lands."

Upon motion by Senator Fairchild, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fair-

child, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Baker.

Third Reading of House Bill No. 271, entitled "An Act to Amend Act 67 of the Session Laws of 1907, Entitled 'An Act to Provide for the Exercise by Counties of the Power of Eminent Domain for Certain Public Purposes,' by Adding a New Section Thereto to be Known as Section 4A."

Upon motion by Senator Kaleiupu, seconded by Senator Judd, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Chillingworth.

Third Reading of House Bill No. 221, entitled "An Act in Relation to Enrollment of Political Parties, Primary Elections, Conventions and Political Committees in the City and County of Honolulu."

Upon motion by Senator Fairchild, seconded by Senator Makekau, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Third Reading of House Bill No. 272, entitled "An Act to Authorize the Repayment to Henry K. Ogawa and Frank B. Craig of Sums by Them Paid Into the Territorial Treasury for Emigrant Agent's Licenses."

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiupu, Pali, Quinn, Robinson, and President Knudsen. Total, 12.

Noes: None.

Absent and not voting: Senators Baker and Makekau.

Third Reading of House Bill No. 151, entitled "An Act to

Amend Section 459 of the Revised Laws of Hawaii, Relating to Game.”

Senator Chillingworth moved that action be deferred until the afternoon session. Seconded by Senator Makekau, and carried.

Senator Fairchild moved that the Senate take up for consideration House Joint Resolution No. 8. Seconded by Senator Chillingworth, and carried.

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Resolution passed Third Reading on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Chillingworth, Fairchild, Hewitt, Kalama, Kaleiupu, Makekau and Robinson. Total, 9.

Noes: Senators C. Brown, Judd, Pali, Quinn, and President Knudsen. Total, 5.

A Communication (No. 339) from the House of Representatives, transmitting House Concurrent Resolution No. 30, fixing schedule of expenditures for the Board of Agriculture and Forestry for the Biennial Period ending June 30, 1913, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to transmit herewith House Concurrent Resolution No. 30, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

#### HOUSE CONCURRENT RESOLUTION. NO. 30.

BE IT RESOLVED by the House of Representatives of the Territory of Hawaii, the Senate concurring:



That it is declared to be the opinion of this Legislature that expenditures by the Board of Agriculture and Forestry during the biennial period ending June 30, 1913, should be made, as nearly as may be, according to the following schedule:

**GENERAL:**

Clerks, Stenographers, employees, laborers, and other expenses.....	\$ 25,500.00
Aid to Hawali Experiment Station.....	20,000.00

**DIVISION OF FORESTRY:**

Superintendent of Forestry (\$250.00) ..	6,000.00	
Botanist (\$150.00) .....	3,600.00	
Supplies and field expenses, Botanist..	1,500.00	
Traveling Expenses .....	900.00	12,000.00

**DIVISION OF ENTOMOLOGY:**

Superintendent of Entomology (\$250.00)	6,000.00	
Assistants and Inspectors .....	7,200.00	
Apparatus and Laboratory Supplies ....	800.00	
Inspection of fruits, cane, plants, etc., for transportation between the Islands or between localities on the same Islands . ....	12,000.00	
Search of parasites for insect pests....	15,000.00	
Traveling Expenses .....	500.00	41,500.00

**DIVISION OF ANIMAL INDUSTRY:**

Superintendent of Animal Industry (\$250.00) . ....	6,000.00	
Assistants and Inspectors, City and County of Honolulu .....	5,000.00	
Assistant and Inspector, County of Maui . ....	2,400.00	
Assistant and Inspector, County of Hawaii . ....	2,400.00	
Assistant and Inspector, County of Kauai . ....	2,400.00	
Quarantine Stations, Rent and Caretakers . ....	2,500.00	
Apparatus and Laboratory Supplies....	1,000.00	
Traveling Expenses .....	500.00	22,200.00
Total . ....		\$121,200.00

The Communication was received and placed on file, and consideration of the Concurrent Resolution was deferred until the afternoon session.

At this juncture, Senator Fairchild returned Senate Concurrent Resolution No. 13, amended so as to read as follows:

**SENATE CONCURRENT RESOLUTION NO. 13..**

**WHEREAS, during the recent outbreak of Cholera in Honolulu, a quantity of Poi, Taro, Clothing and Belongings, of a number of persons quarantined and others were destroyed by order of the Board of Health; and**

**WHEREAS, there are no funds available to recompense the persons suffering such loses;**

**NOW THEREFORE, BE IT RESOLVED by the Senate of the Legislature of 1911, the House concurring:**

**That the Auditor of the Territory be and he is hereby authorized to issue warrants for each and every claim presented by claimants, and approved by the Board of Health, for property destroyed during the outbreak of Cholera in Honolulu, during the months of February, March and April, 1911:**

**AND BE IT FURTHER RESOLVED that the payment of such warrants to the extent of Two Thousand Five Hundred Dollars (\$2,500.00) for claims so approved is authorized out of the contingent fund.**

Upon motion by Senator Fairchild, seconded by Senator Chillingworth, the Resolution was adopted.

At 11:58 o'clock A. M., the Senate stood in recess until 2:00 o'clock P. M.

**AFTERNOON SESSION.**

The Senate came to order at 2:10 o'clock P. M.

Third Reading of House Bill No. 151, entitled "An Act to Amend Section 459 of the Revised Laws of Hawaii, Relating to Game."

Upon motion by Senator Judd, seconded by Senator Fairchild, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Fairchild, Chillingworth, Hewitt, Judd, Kalama, Kaleiopi, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

Senator Fairchild presented a Report (No. 307) from the Committee on Ways and Means, recommending the passage of House Bill No. 267, as follows:

Hon. E. A. Knudsen,  
President of the Senate.

Sir:—

The Committee on Ways and Means to whom was referred House Bill No. 267, report that they have had same under consideration. By this Act, it is sought to give the several County Treasurers and the Treasurer of the City and County of Honolulu, the right of depositing with the Banks doing business in the Territory, 75 per cent of the money in the hands of the several Treasurers not likely to be immediately used, and obtain interest thereon at a rate not to exceed 3 per cent per annum repayable on demand or as wanted.

As a large sum of money will be payable to the several Counties after June 30th of the present year by the Territory, the application of the provisions of Act 123 of the Session Laws of 1909 to the several Counties, is in the opinion of this Committee, a wise measure, and will prevent the hoarding and withdrawal of large sums of money from circulation and also relieve the several County Treasurers from carrying large sums of money and the consequent liability assumed thereby.

The Committee recommends the passage of the Bill.

Respectfully submitted,

GEO. H. FAIRCHILD,  
E. W. QUINN,  
J. T. BROWN,  
WM. T. ROBINSON.  
CECIL BROWN,

April 26th, 1911.

The Report of the Committee was adopted, and the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopi, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

At 2:18 o'clock P. M., the Senate resolved itself into a Committee of the Whole, Senator C. Brown in the Chair, for the consideration of House Concurrent Resolution No. 13.

At 3:10 o'clock P. M., the Committee rose and reported verbally, recommending the adoption of the Resolution.

The Report of the Committee and Concurrent Resolution were adopted.

Senator Chillingworth introduced a Resolution (No. 25), the same being a memorial in recognition of the services rendered the people of Hawaii by the Honorable Alfred S. Hartwell, retired Chief Justice of the Territory, as follows:

#### RESOLUTION.

WHEREAS The Honorable Alfred S. Hartwell who recently retired from the office of Chief Justice of the Supreme Court of this Territory in a marked degree enjoyed the confidence and was held in high esteem generally by those connected with the Judicial, Executive and Legislative Departments of the government, and was universally respected and honored by the business men of this Territory for sterling qualities and for the great services he rendered in the development of these Islands both as a citizen and an official, and at critical times his wisdom and courage was exhibited so that lasting good to the whole people resulted therefrom;

THEREFORE, BE IT RESOLVED that this Legislature recognize the services of this eminent Jurist and patriotic citizen, and while regretting his retirement from office desire to and express our thanks to him for the great services rendered this Territory and express the hope that he may be long spared to enjoy a well earned rest from the more active duties of office and participation in the affairs of state; and, Be It Further

RESOLVED that a copy of this Resolution, properly engrossed, be forwarded to The Honorable Alfred S. Hartwell.

CHAS. F. CHILLINGWORTH.

April 26, 1911.

The Resolution was adopted.

Consideration of House Concurrent Resolution No. 30.

Upon motion by Senator C. Brown, seconded by Senator Chillingworth, the Resolution was adopted.

A Communication (No. 340) from the House of Representatives, notifying the Senate of its concurrence in the amendments made to House Bill No. 272, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the Senate amendments to House Bill No. 272 were this day concurred in by the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 341) from the House of Representatives, notifying the Senate that the veto of the Governor of the "James Quinn" item in House Bill No. 145 had been sustained, was read by the Clerk as follows:

## HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the following item of House Bill No. 145 this day failed to pass in the House of Representatives of the Territory of Hawaii, the Veto of the Governor to the contrary notwithstanding:

"Claim of James Quinn for loss of automobile \$2,000.00."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

At 4:18 o'clock P. M., the Senate stood in recess until 8:00 o'clock P. M.

### EVENING SESSION.

The Senate came to order at 8:00 o'clock P. M.

A Communication (No. 69) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed Senate Bills Nos. 36, 127, 133, 135, 93 and 22, and House Bills Nos. 85, 233, 246, 252 and 249, was read by the Clerk as follows:

### EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 26, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills:

Senate Bill No. 36, as Act 145, entitled "An Act Relating to Personal, Income and Property Taxes and the Disposition of the Proceeds Thereof, Amending Certain Laws and Repealing Others;"

Senate Bill No. 127, as Act 146, entitled "An Act Relating to Taxation, Amending, Repealing and Adding to Certain Laws Relating Thereto;"

House Bill No. 85, as Act 147, entitled "An Act to Amend Section 6 of Act 33 of the Session Laws of 1909, Relating to Conservation and Immigration Tax;"

Senate Bill No. 133, as Act 148, entitled "An Act to Facilitate the Marketing of Fruits and Vegetables Grown in the Territory of Hawaii;"

House Bill No. 233, as Act 149, entitled "An Act to Prescribe the Tenure of Office and Manner of Election of the Supervisors of the County of Maui;"

Senate Bill No. 135, as Act 150, entitled "An Act to Amend Sections 212, 219, 234, 236, 238, 246 and 247, and to Repeal Sec-

tions 200, 201, 202, 220 and 230 of the Revised Laws, Relating to the Department of Public Instruction;"

Senate Bill No. 93, as Act 151, entitled "An Act to Repeal Chapters 75, 76 and 77 of the Revised Laws of Hawaii, and Act 132 of the Session Laws of 1907, Relating to Explosives and Inflammable and Fuel Oils;"

House Bill No. 246, as Act 152, entitled "An Act to Regulate Storage of Explosives;"

House Bill No. 252, as Act 153, entitled "An Act Relating to the Militia, Adding Four New Sections to the Revised Laws of Hawaii, to be Known as Sections 162A, 162B, 162C and 162D;"

House Bill No. 249, as Act 154, entitled "An Act to Appropriate Twenty Thousand Dollars (\$20,000.00) to Facilitate and Expedite the Granting of Certain Preference Rights;"

Senate Bill No. 22, as Act 155, entitled "An Act Making Appropriations for Current Expenses for the Biennial Period Ending June 30, 1913."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 342) from the House of Representatives, returning Senate Concurrent Resolution No. 13, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Resolution No. 13, which was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 343) from the House of Representatives, returning Senate Concurrent Resolution No. 10 with certain amendments, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Resolution No. 10, which was this day adopted in the House of Representatives of the Territory of Hawaii with the following amendments:

In line 6 of the second paragraph, strike out the words "health of its inhabitants" and insert in lieu thereof the words "the promotion of homesteading."

Strike out the words "the Education and Health of the Inhabitants of" in line 3 of the third paragraph, and insert in lieu thereof the words "Education and the Promotion of Homesteading throughout."

Strike out all of Paragraph 6, and insert in lieu thereof the following:

"Whereas, with a property tax rate of one per cent on the actual cash value the Territory finds itself without the funds necessary to carry on its educational measures, and the proper aid to homesteaders throughout the Territory; and"

Amend the title of the Act to read "An Act to Provide for the Support and Maintenance of the Public Schools, and the Promotion of Homesteading."

In line 13 of Section 1, after the word "members" add the following words "who shall not be pecuniarily interested in any sugar plantation in the Territory of Hawaii."

At the end of Section 2, add the following:

"Every lease or license shall contain a condition with a covenant by the lessee that he or it will make such reasonable contracts for buying cane from the homesteaders and neighboring farmers as shall have been approved by the Commission."

Amend lines 8, 9, 10, 11, 12 and 13 of Section 3 to read as follows: "the promotion of homesteading in the following proportions, to wit: Fifty per cent. (50%) of such revenue to be



for the use and benefit of the Public Schools, Forty per cent (40%) thereof for the promotion of homesteading, and Ten per cent. (10%) thereof for the use and benefit of the College of Hawaii."

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Baker, the amendments to Senate Concurrent Resolution No. 10, were concurred in on the following division of Ayes and Noes:

Ayes: Senator Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 10.

Noes: Senators Judd and Pali.

Absent and not voting: Senators Kalama and Kaleiopu.

A Communication (No. 70) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 267, 269, 224, 151 and 271, House Joint Resolutions Nos. 2 and 8, and Senate Bills Nos. 68 and 126, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., April 26, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed the following bills and joint resolution:

House Bill No. 267, as Act 156, entitled "An Act to Authorize the Deposit of County and City and County Moneys in Banks in this Territory;"

House Bill No. 269, as Act 157, entitled "An Act to Amend Section 1034A of the Revised Laws, as Enacted by Act 29 of

the Laws of 1911, Relating to the Improvement of Insanitary Lands;"

House Bill No. 224, as Act 158, entitled "An Act Relating to Sewers and Garbage, Repealing Chapter 84 of the Revised Laws and Act 12 of the Laws of 1905, and Establishing Rates for the Use of the Honolulu Sewers;"

House Bill No. 151, as Act 159, entitled "An Act to Amend Section 459 of the Revised Laws of Hawaii, Relating to Game;"

House Bill No. 271, as Act 160, entitled "An Act to Amend Act 67 of the Session Laws of 1907, Entitled 'An Act to Provide for the Exercise by Counties of the Powers of Eminent Domain for Certain Public Purposes,' by Adding a New Section Thereto to be Known as Section 4A;"

Senate Bill No. 68, as Act 161, entitled ::An Act Providing for the Condemnation and Purchase of Certain Lands, Water Rights and Water Ways in Palolo Hill Tract. in the City and County of Honolulu, Territory of Hawaii;"

Senate Bill No. 126, as Act 162, entitled "An Act Authorizing and Directing the Superintendent of Public Works to Acquire Certain Water Rights and Lands in Pauoa Valley, City and County of Honolulu;"

House Joint Resolution No. 8, as Joint Resolution No. 2, Authorizing the Board of Commissioners of Public Archives to Deliver to Honorable Jonah K. Kalaniana'ole a Certain Chest of Silverware Now Stored in the Archives Building."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

Senator Chillingworth presented a Report (No. 52) from the Joint Conference Committee on House Bill No. 219, recommending the passage of the Bill with one amendment, as follows:

Honolulu, Hawaii, April 26, 1911.

Hon. Eric A. Knudsen,  
President of the Senate.

Hon. H. L. Holstein,  
Speaker, House of Representatives.

Gentlemen:—

Your Conference Committee to which was referred House Bill No. 219, have had the same under consideration and agree

to accept the amendment made by the Senate, with the following amendment:

In Section 2 line 2 strike out the word "May" and insert in lieu thereof the word "July."

Respectfully submitted,

CHAS. F. CHILLINGWORTH,  
GEO. H. FAIRCHILD,  
E. W. QUINN,  
Senate Conferees.

G. F. AFFONSO,  
CHAS. A. RICE,  
S. K. MAHOE,  
House Conferees.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the Report of the Committee was adopted on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kalama.

At 8:21 o'clock P. M., a Message (No. 14) from the Governor, vetoing certain items in Senate Bill No. 50, was received and read by the Clerk as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber,

Honolulu, April 26, 1911.

To the Legislature:

I return herewith Senate Bill No. 50, entitled "An Act to Provide for Public Improvements," which I have approved with the exception of the following items, which I do not approve and hereby veto:

- "19f. Extension, Waimea River Embankment \$18,000.00."
- "26. Approach to Honokaa Landing from Government Road ..... 5,000.00."

It seems to me that these works are unnecessary and that

the expenditure of these amounts for them would be unwise, especially in view of other and greater needs.

An Additional objection to the item for the extension of the Waimea river embankment is that it is inserted among the Territorial public improvements, whereas it is a purely local matter, the expense of which, if it should not be borne by the private parties directly interested, should be borne by the county and not by the Territory.

WALTER F. FREAR,  
Governor of Hawaii.

The item "19f. Extension—Waimea River Embankment \$18,000.00" passed, notwithstanding the veto of the Governor, on the following division of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 10.

Noes: Senators Judd, Hewitt, and Pali.

Absent and not voting: Senator Kalama.

The item "26. Approach to Honokaa landing from the Government Road \$5,000.00," passed, notwithstanding the veto of the Governor, on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kaleiopu, Makekau, Pali, Quinn, Robinson, and President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Senator Kalama.

At 8:49 o'clock P. M., a Message (No. 15) from the Governor, nominating Mr. John M. Lidgate as a Member of the Panama-Pacific Exposition Commission was received and read by the Clerk as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber,

Honolulu, April 26, 1911.

To the Senate:

I hereby nominate for appointment with the advice and consent of the Senate, as a member of the Panama-Pacific Exposition Commission, John M. Lidgate.

WALTER F. FREAR,  
Governor of Hawaii.

Upon motion by Senator Chillingworth, seconded by Senator Judd, the appointment was confirmed by the Senate.

At 8:49 o'clock P. M., a Message (No. 16) from the Governor relating to House Joint Resolution No. 8, was received and read by the Clerk as follows:

**A MESSAGE FROM THE GOVERNOR.**

**Territory of Hawaii,  
Executive Chamber,**

**Honolulu, April 26, 1911.**

**To the Legislature:**

I have this day received House Joint Resolution No. 8, the object of which is to present, by way of gift, to Honorable Jonah K. Kalaniana'ole, not in his capacity as Delegate to Congress, but as one of the representatives in family and estate of King Kalakaua, a chest of silverware, which apparently was presented to King Kamehameha IV and used by him and his successors, King Kamehameha V, Lunalilo and Kalakaua and Queen Liliuokalani in turn.

Upon looking into this matter I find myself in a somewhat embarrassing position.

My first impulse naturally would be to sign the Resolution as a graceful act toward the intended recipient, although I realize that there are grave objections to such action in point of policy, under the facts in this case. I am confronted, however, with the legal objections that such a gift might be contrary to the provisions of Section 91 of the Organic Act, as amended by the Acts of May 26, 1906, and May 27, 1910, relating to public property ceded to the United States at the time of annexation, and also to the constitutional inhibition against disposing of public property to private individuals by way of gift, except under certain circumstances, which may not exist in this case.

I might, therefore, be expected to refrain from action on this, the last day of the session and so permit a result analogous to that which would follow a so-called pocket veto in the case of a bill. Rather than veto the resolution in this way, however, I would prefer in this instance to veto it, for legal objections, in the usual ways, as if it were a bill, so as to afford an opportunity to the Legislature to pass it over the veto, if it desired to do so, in which case its validity could be tested in a friendly submission to an appropriate court. And

yet here again I am confronted with the fact that I cannot veto a joint resolution; for, by the provisions of the Organic Act, bills alone may be vetoed, and, although I might treat a joint resolution, as distinguished from a concurrent resolution, as in the nature of a bill, so far as its passing three readings in each house is concerned, I cannot do so for other reasons, first, because a bill is required by the Organic Act to have an enacting clause of a particular form, which the joint resolution in question does not have, and secondly, because a bill must have a title expressing its subject, which also the joint resolution in question does not have.

I have concluded, therefore, out of deference to the views of the Legislature on the question of policy and against my own views on the question of law, to sign the resolution and allow its validity to be determined in a friendly submission to an appropriate court or otherwise, upon the following and perhaps other questions: first, whether property ceded to the United States by the Joint Resolution of Annexation may be thus disposed of by way of gift under the Act of Congress of May 26, 1906; secondly, whether it may be thus disposed of by joint resolution, notwithstanding that that Act permits a disposal of such property by the Territory of Hawaii only by law; and, thirdly, whether under the circumstances of this case such public property may thus be given to a private individual.

I transmit this message in order that I may not be placed in a false light by signing the Joint Resolution and then contesting its validity.

WALTER F. FREAR,  
Governor of Hawaii.

The Message was received and placed on file.

At 9:02 o'clock P. M., a Message (No. 17) from the Governor, submitting the nomination of Mr. James L. Young as a member of the Sanitary Commission of Honolulu, was received and read by the Clerk as follows:

#### A MESSAGE FROM THE GOVERNOR.

Territory of Hawaii,  
Executive Chamber,

Honolulu, April 26, 1911.

To the Senate:

I hereby nominate for appointment with the advice and

consent of the Senate, as a member of the Sanitary Commission of Honolulu, James L. Young.

WALTER F. FREAR,  
Governor of Hawaii.

Upon motion by Senator Judd, seconded by Senator Baker, the appointment was confirmed by the Senate.

A Communication (No. 71) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bills Nos. 193, 268 and 266, was read by the Clerk as follows:

EXECUTIVE BUILDING.  
Secretary of Hawaii.

Honolulu, T. H., April 26, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor this day signed the following bills:

House Bill No. 193, as Act 163, entitled "An Act Relating to Harbors, Their Management, Control, Improvement and Regulation;"

House Bill No. 268, as Act 164, entitled "An Act to Authorize Advancements of Moneys for Certain Public Improvements Out of General Revenues to be Reimbursed Out of Loan Funds;"

House Bill No. 266, as Act 165, entitled "An Act to Prevent Deficiencies in Territorial General Revenues, by Authorizing an Additional General Property Tax Therefor,"

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.  
At 9:00 o'clock P. M., Senator Chillingworth with a few

well-chosen words presented President Knudsen with a loving-cup as a mark of appreciation by the Senate of his services as Presiding Officer.

Senator Quinn presented a Report (No. 308) from the Committee on Accounts, showing the expenses of the Senate to date, as follows:

## SENATE CHAMBER.

Honolulu, T. H., April 26, 1911.

Hon. Eric A. Knudsen,  
President of the Senate,  
Territory of Hawaii.

Sir:—

Your Committee on Accounts begs leave to herewith present its final report of the expenses of the Senate up to this day, April 26th, 1911, the Sixtieth Day of the Session. The Amount drawn on the Territorial Appropriation subsequent to April 1st, 1911, the date on which the accounts, heretofore reported were closed, was ..... \$4,268.85

Segregated as follows:

Compensation of Senators (3rd Installment) . . . . .	\$ 3,000.00
Clerical Services (Special Committees) . . . . .	62.10
Printing . . . . .	490.15
Translating . . . . .	437.50
Legal Services . . . . .	25.00
Manual Services . . . . .	5.50
Auto Hire . . . . .	112.50
Hack Hire . . . . .	4.00
Newspaper Subscriptions . . . . .	20.10
Lunches, Re-Investigations, Fort & Wai-alee School . . . . .	107.00
Rental of Adding Machine . . . . .	5.00

The Amount drawn on the Federal Appropriation, for the the same period was .....\$ 4,291.34

Segregated as follows:

Salaries and Clerk Hire . . . . .	1,568.50
Printing . . . . .	1,118.65
Stationery . . . . .	140.12
Incidentals . . . . .	39.68
Typewriting . . . . .	750.24
Newspaper Subscriptions . . . . .	53.55



Labor, (General Renovating) .....	18.85
Furniture . .....	579.50
Advertising Public Hearings .....	22.25
Act 1, Session 1911, Territorial Appropriation.....	\$ 23,000.00
Total amount drawn to date .....	11,359.70
<hr/>	
Balance on Hand, Territorial Appropriation.....	11,640.30
Senate Apportionment, Federal Appropriation, Act, June 17th, 1910 .....	\$ 11,000.00
Total amount drawn to date .....	9,619.55
<hr/>	
Balance on Hand, Federal Appropriation .....	1,380.45
The Total Appropriations Federal and Territorial..	34,000.00
The Total amount drawn throughout the Session was	\$20,979.25
<hr/>	
Total Balance on hand .....	\$13,020.75

Respectfully submitted,

E. W. QUINN,

Chairman.

WM. T. ROBINSON,

GEO. C. HEWITT.

Senate Committee on Accounts.

The Report of the Committee was received and placed on file.  
A Communication (No. 344) from the House of Representatives, notifying the Senate that the vetoed items in Senate Bill No. 50 had passed, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the followings items of Senate Bill No. 50 this day passed in the House of Representatives of the Territory of Hawaii, the Veto of the Governor to the Contrary notwithstanding:

- "19f. Extension, Waimea River Embankment..\$18,000.00"  
 "26. Approach to Honokaa Landing from Govern-  
 ment Road ..... 5,000.00"

Very respectfully yours,

EDWARD WOODWARD,  
 Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 345) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 219, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
 Members of the Senate of the  
 Territory of Hawaii.

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Joint Conference Committee on House Bill No. 219 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
 Clerk, House of Representatives.

The Communication was received and placed on file.

A Communication (No. 346) from the House of Representatives, returning Senate Concurrent Resolution No. 12 with one amendment, was read by the Clerk as follows:

#### HOUSE OF REPRESENTATIVES.

Honolulu, T. H., April 26, 1911.

The Honorable President and  
 Members of the Senate of the  
 Territory of Hawaii.

Gentlemen:—

I have the honor to return herewith Senate Concurrent Re-

solution No. 12, which was this day adopted in the House of Representatives of the Territory of Hawaii amended to read as follows:

**"CONCURRENT RESOLUTION.**

**BE IT RESOLVED** by the Senate of the Territory of Hawaii, the House of Representatives concurring, that the Superintendent of Public Works of the Territory of Hawaii be, and he is hereby requested and directed, to proceed without delay to cause Bethel Street and Bishop Street to be extended and opened from Hotel Street to Beretania Street, in the City of Honolulu."

Very respectfully yours,

**EDWARD WOODWARD,**  
Clerk, House of Representatives.

The Communication was received and placed on file.

Upon motion by Senator Judd, seconded by Senator Baker, the amendment to Senate Concurrent Resolution No. 12 was concurred in on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Kaleiopu, Makekau. Pali, Quinn, Robinson, and President Knudsen. Total, 14.

Noes: None.

A Communication (No. 347) from the House of Representatives, notifying the Senate of the adoption of the Report of the Joint Conference Committee on House Bill No. 165, was read by the Clerk as follows:

**HOUSE OF REPRESENTATIVES.**

Honolulu, T. H., April 26, 1911.

**The Honorable President and  
Members of the Senate of the  
Territory of Hawaii.**

Gentlemen:—

I have the honor to inform your Honorable Body that the report of the Joint Conference Committee on House Bill No.

165 was this day adopted in the House of Representatives of the Territory of Hawaii.

Very respectfully yours,

EDWARD WOODWARD,  
Clerk, House of Representatives.

The Communication was received and placed on file.

Senator Makekau presented a Report (No. 53) from the Joint Conference Committee on House Bill No. 165, recommending the passage of the Bill with certain amendments, as follows:

Honolulu, T. H., April 26, 1911.

Honorable H. L. Holstein,  
Speaker, House of Representatives.

Honorable E. A. Knudsen,  
President of the Senate.

Sirs:—

Your Special Joint Conference Committee, to which was referred House Bill No. 165, entitled "An Act to Amend Section 115 of the Revised Laws of Hawaii Relating to Holidays," begs leave to report as follows:

The Senate amended the bill in question so that lines 5, 6 and 7 of Section 1 read: "Whenever any of said holidays shall fall upon Sunday, all government offices shall remain closed on the Monday next following such Sunday;" while, as the bill originally passed in the House, this clause read: "Whenever any of said days shall fall upon Sunday, the Monday next following such day shall be a legal holiday."

Your Joint Conference Committee, after a full and free discussion and understanding of the matter in dispute, has agreed as follows:

The Senate recedes from its position in regard to said amendment; the House recedes from its position in regard to the clause above quoted.

This Joint Conference Committee has amended Section 1 so as to read as follows:

"Section 1. Section 115 of the Revised Laws of Hawaii is hereby amended by adding thereto the following:

"And any day appointed or recommended by the President of the United States as a day of thanksgiving, fasting or re-

ligious observance, or appointed by the Governor of the Territory as a holiday, shall be a Territorial holiday."

And as amended, recommends that the bill pass.

Respectfully submitted,

G. F. AFFONSO,  
Chairman.

S. P. CORREA,  
HENRY L. KAWEWEHI,  
House Conferees.

R. H. MAKEKAU,  
Chairman.

E. W. QUINN,  
Senate Conferees.

Upon motion by Senator Judd, seconded by Senator Pali, the Report of the Committee was adopted on the following division of Ayes and Noes:

Ayes: Senators Baker, J. T. Brown, Fairchild, Judd, Makekau, Quinn, Robinson, and President Knudsen. Total, 8.

Noes: Senators C. Brown, Chillingworth, Hewitt, Kalama, Kaleiopu, and Pali. Total, 6.

A Communication (No. 72) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bill No. 165, was read by the Clerk as follows:

#### EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 26, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed House

Bill No, 165, as Act 167, entitled "An Act to Amend Section 115 of the Revised Laws of Hawaii, Relating to Holidays."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 73) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bill No. 219, was read by the Clerk as follows:

EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 26, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your Honorable Body that the Governor has this day signed House Bill No. 219, as Act 168, entitled "An Act to Amend Act 118 of the Session Laws of 1907, Entitled 'An Act Incorporating the City and County of Honolulu.'"

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 74) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that the Governor had signed House Bill No. 145, was read by the Clerk as follows:

## SENATE JOURNAL.

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 26, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform you that House Bill No. 145, entitled "An Act Making Special Appropriations for the Payment of Certain Claims Against the Territory of Hawaii" has become Act 169. The Governor's veto on item

"Claim of James Quinn for loss of automobile \$2,000.00," was sustained in both the Senate and House of Representatives of the Legislature of the Territory of Hawaii.

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

A Communication (No. 75) from the Chief Clerk of the Office of the Secretary of the Territory of Hawaii, notifying the Senate that House Bill No. 170 and Senate Bill No. 29 had become law, notwithstanding the veto of the Governor, was read by the Clerk as follows:

## EXECUTIVE BUILDING.

Secretary of Hawaii.

Honolulu, T. H., April 26, 1911.

Honorable Eric A. Knudsen,  
President of the Senate,  
Legislature of the Territory of Hawaii,  
Honolulu, Hawaii.

Sir:—

By direction of the Secretary, I beg leave to inform your

Honorable Body that the following bills have become law notwithstanding the Governor's veto:

House Bill No. 170, as Act 143, entitled "An Act Appropriating Twenty Thousand Dollars for the Purpose of Repaying Moneys Wrongfully Collected as Merchandise License Tax Under Section 764 to 768 of the Penal Laws of 1897;"

Senate Bill No. 29, as Act 144, entitled "An Act for the Relief of John A. Cummins."

Very respectfully yours,

H. P. O'SULLIVAN,  
Chief Clerk.

The Communication was received and placed on file.

The Journal of the Sixtieth Day was read and approved.

Upon motion by Senator Judd, seconded by Senator C. Brown, the Senate adjourned *sine die* at 11:00 o'clock P. M., after prayer by the Chaplain.

JOHN H. WISE,  
Clerk of the Senate.

Approved by the Senate:

ERIC A. KNUDSEN,  
President of the Senate.



## EXPENSES OF SESSION.

## AMOUNTS DRAWN ON TERRITORIAL APPROPRIATION.

## Voucher

No.	To.	For.	Amount.
1	David K. Baker, Compensation, (1st Installment).....	\$	200.00
2	Cecil Brown, Compensation, (1st Installment).....		200.00
3	John T. Brown, Compensation, (1st Installment).....		200.00
4	Chas. F. Chillingworth, Compensation, (1st Installment)		200.00
5	Geo. H. Fairchild, Compensation, (1st Installment)....		200.00
6	Geo. C. Hewitt, Compensation, (1st Installment).....		200.00
7	A. F. Judd, Compensation (1st Installment).....		200.00
8	S. E. Kalama, Compensation, (1st Installment).....		200.00
9	A. S. Kalelopu, Compensation (1st Installment).....		200.00
10	Eric A. Knudsen, Compensation, (1st Installment).....		200.00
11	R. H. Makekau, Compensation, (1st Installment).....		200.00
12	H. T. Moore, Compensation, (1st Installment).....		200.00
13	Philip Pall, Compensation, (1st Installment).....		200.00
14	E. W. Quinn, Compensation, (1st Installment).....		200.00
15	Wm. T. Robinson, Compensation, (1st Installment)....		200.00
16	J. A. Gilman, Rent of Typewriter.....		8.00
17	Oahu Auto Stand, Girls' and Boys' Schools Kalihi and return . . . . .		7.50
18	W. C. Achi, Professional Services.....		90.00
19	Office Supply Co., Ltd., (New Typewriter).....		105.00
20	Paradise of the Pacific, Hawn. Printing.....		9.00
21	Chas. A. Reynolds, Auto Hire visiting Forts: Diamond Head, Puuloa, Lellehua.....		200.00
22	E. W. Quinn, Repairing Basin and Closet.....		8.85
23	Oahu Railway & Land Co., Ltd., Transportation, re Waialeale School Investigation.....		68.00
24	Office Supply, Rent of Typewriter.....		10.00
25	Frank Kruger, Silver Badge, Ser.-at-Arms.....		10.00
26	Mutual Telephone Co., Ltd., Repairing Broken Telephone . . . . .		5.00
27	Paradise of the Pacific, Printing Hawn. . . . .		21.00
28	Hawn. Star Newspaper Assn., Printing Hawn.....		6.00
29	David K. Baker, Compensation, (2nd Installment).....		200.00
30	Cecil Brown, Compensation, (2nd Installment) . . . . .		200.00
31	John T. Brown, Compensation, (2nd Installment).....		200.00
32	Chas. F. Chillingworth, Compensation, (2nd Installment)		200.00
33	Geo. H. Fairchild, Compensation (2nd Installment)....		200.00
34	Geo. C. Hewitt, Compensation (2nd Installment).....		200.00
35	A. F. Judd, Compensation, (2nd Installment).....		200.00
36	S. E. Kalama, Compensation, (2nd Installment).....		200.00
37	A. S. Kalelopu, Compensation (2nd Installment).....		200.00

## AMOUNTS DRAWN ON TERRITORIAL APPROPRIATION—Cont'd.

## Voucher

No.	To.	For.	Amount.
38	Eric A. Knudsen, Compensation, (2nd Installment)....		200.00
39	R. H. Makekau, Compensation, (2nd Installment).....		200.00
40	H. T. Moore, Compensation, (2nd Installment).....		200.00
41	Philip Pall, Compensation, (2nd Installment).....		200.00
42	E. W. Quinn, Compensation, (2nd Installment).....		200.00
43	Wm. T. Robinson, Compensation, (2nd Installment)...		200.00
44	W. K. Apuakehau, Laundering .....		2.00
45	Bulletin Publishing Co., Ltd., Printed Supplies.....		84.00
46	W. C. Achi, Professional Services .....		10.00
47	F. J. Testa, Translating English into Hawn.....		9.50
48	W. J. Coelho, Translating English into Hawn.....		14.00
49	Hughes & Schoening, Auto Hire, re Investigation Poi Factory, Kalihi Camp, Kalihi and return.....		13.50
50	J. D. McVeigh, Rent of Horses at Molokai.....		19.50
51	Paradise of the Pacific, Printing Hawn.....		33.00
52	W. J. Coelho, Services Interpreter Molokai.....		10.00
53	W. J. Coelho, Translating English into Hawn.....		11.00
54	F. J. Testa, Translating English into Hawn.....		10.50
55	Hawn. Gazette Co., Ltd., Subscription, Kuokoa.....		6.00
56	Inter-Island Steam Navigation Co., Ltd., Charter of S. S. Mauna Kea, re Molokai Trip.....		275.00
57	Kai Chee Sun Bo Ltd., Advertising Public Hearing....		6.50
58	Ke Au Hou, Advertising Public Hearing.....		5.00
59	Hawaii Shinpo Sha, Advertising Public Hearing.....		3.00
60	Bulletin Publishing Co., Ltd., Printing Hawn.....		10.50
61	Bulletin Publishing Co., Ltd., Printing Hawn.....		4.50
62	W. H. Crawford, Clerical Services, Trip to Molokai....		5.00
63	Charles H. Clark, Ser.-at-Arms, Trip to Molokai.....		10.00
64	F. J. Testa, Translating, English into Hawn.....		29.50
65	Paradise of the Pacific, Printing Hawn.....		59.50
66	W. H. Crawford, Services to Conference Committee....		5.00
67	Bulletin Publishing Co., Ltd., Printing Hawn.....		6.00
68	W. J. Coelho, Translating English into Hawn.....		35.50
69	Hawn. Star Newspaper Assn., Printing Hawn.....		12.00
70	F. J. Testa, Translating English into Hawn.....		44.50
71	A. K. Vierra, Clerical Services (Special).....		15.00
72	David K. Baker, Compensation, (3rd Installment)....		200.00
73	Cecil Brown, Compensation, (3rd Installment).....		200.00
74	John T. Brown, Compensation, (3rd Installment).....		200.00
75	Chas. F. Chillingworth; Compensation, (3rd Installment)		200.00
76	Geo. H. Fairchild, Compensation, (3rd Installment)....		200.00
77	Geo. C. Hewitt, Compensation, (3rd Installment).....		200.00
78	A. F. Judd, Compensation, (3rd Installment).....		200.00

## AMOUNTS DRAWN ON TERRITORIAL APPROPRIATION—Cont'd.

## Voucher

No.	To.	For.	Amount.
79	S. E. Malama, Compensation, (3rd Installment).....		200.00
80	A. S. Kalelopu, Compensation, (3rd Installment).....		200.00
81	Eric A. Knudsen, Compensation, (3rd Installment)....		200.00
82	R. H. Makekau, Compensation, (3rd Installment).....		200.00
83	H. T. Moore, Compensation, (3rd Installment).....		200.00
84	Philip Pall, Compensation, (3rd Installment).....		200.00
85	E. W. Quinn, Compensation, (3rd Installment).....		200.00
86	Wm. T. Robinson, Compensation, (3rd Installment)....		200.00
87	Oahu Auto Stand, Auto Hire, re Investigation Boys' Industrial School, Waialeale.....		50.00
88	Chas. A. Reynolds, Auto Hire, re Investigation Boys' Industrial School, Waialeale.....		50.00
89	Geo. S. Curry, Legal Services, Special Committee.....		25.00
90	Frank Antone, Hack Hire, Kalihi Receiving Station, Insane Asylum, (Special Committee).....		4.00
91	Bulletin Publishing Co., Ltd., Printing Hawn.....		12.50
92	Hawn. Gazette Co., Ltd., Printing Hawn.....		10.80
93	F. J. Testa, Translating English into Hawn.....		35.50
94	R. J. Green, Labor, Laying Carpets, Senate Chamber..		3.50
95	F. J. Testa, Translating English into Hawn.....		30.00
96	W. J. Coelho, Translating English into Hawn.....		42.50
97	W. C. Achi, Translating English into Hawn.....		10.50
98	W. S. Chillingworth, Reporting and Transcribing at Investigation Waialeale Boys' Industrial School.....		29.60
99	Ka Hoku o Hawaii Publishing Co., Subscriptions.....		7.50
100	F. J. Testa, Translating English into Hawn.....		58.50
101	Paradise of the Pacific, Printing Hawn.....		62.00
102	Paradise of the Pacific, Printing Hawn.....		24.00
103	Kuokoa Home Rula, Subscriptions.....		7.00
104	Paradise of the Pacific, Printing Hawn.....		74.75
105	Bulletin Publishing Co., Ltd., Printing Hawn.....		19.50
106	W. K. Apuakehau, Laundering .....		2.00
107	Ke Aloha Aina Co., Subscriptions.....		5.60
108	Hawn. Star Newspaper Assn. Printing Hawn.....		28.75
109	Hawn. Star Newspaper Assn., Printing Hawn.....		28.50
110	Hawn. Star Newspaper Assn., Printing Hawn.....		34.75
111	Hawn. Star Newspaper Assn., Printing Hawn.....		23.00
112	Bulletin Publishing Co., Ltd., Printing Hawn.....		6.25
113	Union Grill, Lunches, re visits to Forts.....		92.00
114	W. J. Coelho, Translating English into Hawn.....		58.00
115	F. J. Testa, Translating English into Hawn.....		58.00
116	The Waterhouse Co., Rental of Adding Machine.....		5.00
117	W. S. Chillingworth, Stenographic Services, re Investigation Girls' Industrial School.....		7.50

## AMOUNTS DRAWN ON TERRITORIAL APPROPRIATION—Cont'd.

Voucher No.	To.	For.	Amount.
118	T. R. Mossman, Drafting and Typewriting Report re Investigation Boys' and Girls' Industrial Schools..		5.00
119	W. J. Coelho, Translating English into Hawn.....		32.50
120	M. T. Lutz, Auto Hire, Girls' Industrial School Senate Committee Public Health.....		12.50
121	Union Grill, Lunches, re Trip Boys' Industrial School, Waialeale . . . . .		15.00
122	Paradise of the Pacific, Printing Hawn.....		87.85
123	F. J. Testa, (Voucher endorsed to him by W. K. Apua-kehau, Services rendered after Session).....		9.00
124	Oahu Ice & Electric Co., Ice.....		2.50
125	A. K. Vierra, Services rendered after Session.....		50.00
126	F. J. Testa, Services rendered after Session.....		20.00
127	F. J. Testa, Rent of Typewriter.....		10.00
128	John H. Wise, Indexing, Compiling, and Typewriting Senate Journal . . . . .		1,680.00

## EXPENSES OF SESSION.

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION.

Voucher No.	To.	For.	Amount.
19	Eric A. Knudsen, Mileage . . . . .	\$	25.60
20	Geo. H. Fairchild . . . . .		22.00
21	Wm. T. Robinson . . . . .		20.40
22	R. H. Makekau . . . . .		36.40
23	John T. Brown . . . . .		45.80
24	S. E. Kalama . . . . .		22.20
25	David K. Baker . . . . .		36.80
26	Philip Pali . . . . .		15.00
27	Geo. C. Hewitt . . . . .		50.00
28	W. W. Dimond, Incidentals . . . . .		14.60
29	G. Clark-Adams, Typewriting . . . . .		14.25
30	G. Clark-Adams, Typewriting . . . . .		62.25
31	G. Clark-Adams, Typewriting . . . . .		19.80
32	G. Clark-Adams, Typewriting . . . . .		4.15
33	G. Clark-Adams, Typewriting . . . . .		4.20

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

Voucher		For.	Amount.
No.	To.		
34	G. Clark-Adams, Typewriting .....		5.65
35	A. B. Arleigh & Co., Ltd., Stationery .....		4.50
36	A. K. Vierra, Clerk Hire .....		20.00
37	A. K. Vierra, Clerk Hire .....		50.00
38	Wall, Nichols Co., Ltd., Stationery .....		.95
39	M. S. Deponte, Clerk Hire .....		50.00
40	Geo. S. Curry, Clerk Hire .....		105.00
41	F. J. Testa, Clerk Hire .....		50.00
42	W. H. Crawford, Clerk Hire .....		45.00
43	W. K. Apuakehau, Salary .....		33.00
44	D. W. K. White, Salary .....		27.50
45	Charles H. Clark, Salary .....		55.00
46	Sam Kuula, Salary .....		33.00
47	D. S. K. Pahu, Salary .....		88.00
48	John H. Wise, Salary .....		132.00
49	M. S. Deponte, Clerk Hire .....		20.00
50	Geo. S. Curry, Clerk Hire .....		60.00
51	F. J. Testa, Clerk Hire .....		20.00
52	W. J. Coelho, Clerk Hire .....		20.00
53	W. H. Crawford, Clerk Hire .....		20.00
54	W. K. Apuakehau, Salary .....		12.00
55	Sam Kuula, Salary .....		12.00
56	D. W. K. White, Salary .....		10.00
57	Charles H. Clark, Salary .....		20.00
58	D. S. K. Pahu, Salary .....		32.00
59	John H. Wise, Salary .....		48.00
60	W. J. Coelho, Clerk Hire .....		45.00
136	Chambers Drug Co., Ltd., Incidentals .....		7.90
137	G. Clark-Adams, Typewriting .....		5.35
138	Bulletin Publishing Co., Ltd., Printing .....		61.05
139	Hawn, Star Newspaper Assn., Advertising Public Hear- ings .....		4.00
140	Hawn, Star Newspaper Assn., Subscriptions.....		5.65
141	E. O. Hall & Son, Ltd., Incidentals .....		.20
142	E. O. Hall & Son, Ltd., Incidentals .....		5.05
143	Bulletin Publishing Co., Ltd., Subscriptions .....		3.75
144	Hawn, Star Newspaper Assn., Printing .....		79.95
145	Bulletin Publishing Co., Ltd., Printing .....		53.40
146	Bulletin Publishing Co., Ltd., Printing .....		42.90
147	Mercantile Printing Co., Ltd., Stationery .....		166.50
149	Office Supply Co., Ltd., Furniture.....	\$37.50	
	Stationery.....	39.10	
	Postage.....	40.90	117.50

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

Voucher			
No.	To.	For.	Amount.
150	Paradise of the Pacific, Printing .....		85.65
151	John H. Wise, Salary .....		144.00
152	D. S. K. Pahu, Salary .....		96.00
153	Charles H. Clark, Salary .....		60.00
154	Sam Kuula, Salary .....		36.00
155	W. K. Apuakehau, Salary .....		36.00
156	A. K. Vierra, Clerk Hire .....		60.00
157	W. H. Crawford, Clerk Hire .....		60.00
158	F. J. Testa, Clerk Hire .....		60.00
159	W. J. Coelho, Clerk Hire .....		20.00
160	W. J. Coelho, Clerk Hire .....		15.00
161	G. Clark-Adams, Typewriting .....		19.80
162	G. Clark-Adams, Typewriting .....		35.10
163	Office Supply Co., Ltd., Stationery .....		3.40
164	Office Supply Co., Ltd., Stationery .....		4.05
165	Office Supply Co., Ltd., Stationery .....		.60
167	American Hawn. Paper & Supply Co., Ltd., Stationery..		54.00
168	Fountain Soda Works, Distilled Water .....		2.00
169	Paradise of the Pacific, Printing .....		31.20
170	Paradise of the Pacific, Printing .....		81.60
173	D. W. K. White, Salary .....		30.00
174	Honolulu Planing Mill, Furniture .....		345.00
175	M. S. Deponte, Clerk Hire .....		60.00
225	John H. Wise, Salary .....		72.00
226	D. S. K. Pahu, Salary .....		48.00
227	D. W. K. White, Salary .....		15.00
228	Charles H. Clark, Salary .....		30.00
229	Sam Kuula, Salary .....		18.00
230	W. K. Apuakehau, Salary .....		18.00
231	M. S. Deponte, Clerk Hire .....		30.00
232	A. K. Vierra, Clerk Hire .....		30.00
233	W. H. Crawford, Clerk Hire .....		30.00
234	F. J. Testa, Clerk Hire .....		30.00
235	Geo. S. Curry, Clerk Hire .....		180.00
236	Geo. S. Curry, Clerk Hire .....		75.00
237	W. J. Coelho, Clerk Hire .....		10.00
238	W. J. Coelho, Clerk Hire .....		5.00
239	W. J. Coelho, Clerk Hire .....		15.00
240	W. J. Coelho, Clerk Hire .....		10.00
241	W. J. Coelho, Clerk Hire .....		10.00
242	W. J. Coelho, Clerk Hire .....		10.00
243	John W. Cooke, "Labor" Carpenter Hire .....		17.40

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

Voucher		For.	Amount.
No.	To.		
244	Agnes S. Armour, Typewriting .....		19.40
245	G. Clark-Adams, Typewriting .....		75.95
246	G. Clark-Adams, Typewriting .....		90.20
247	Edith Treadway, Typewriting .....		7.90
248	Thos. G. Thrum, Stationery .....		1.25
249	Thos. G. Thrum, Stationery .....		45.35
250	Thos. G. Thrum, Stationery .....		3.00
251	Thos. G. Thrum, Stationery .....		1.75
252	Hawn. News Co., Ltd., Stationery .....		71.20
253	Hawn. News Co., Ltd., Stationery .....		2.70
254	Hawn. News Co., Ltd., Stationery .....		7.50
255	Hawn. News Co., Ltd., Stationery .....		2.00
256	Coyne Furniture Co., Ltd., Labor.....	\$19.60	
	Incidentals.....	13.50	32.66
257	Hawn. Star Newspaper Assn., Printing .....		30.60
258	Coyne Furniture Co., Ltd., Labor.....	\$25.65	
	Furniture.....	64.50	
	Incidentals.....	55.25	145.40
259	Hawn. Star Newspaper Assn., Printing .....		37.80
260	Hawn. Star Newspaper Assn., Printing .....		10.80
261	Hawn. Star Newspaper Assn., Printing .....		7.20
262	Hawn. Gazette Co., Ltd., Printing .....		39.60
263	Wall, Nichols Co., Ltd., Stationery .....		.75
284	D. S. K. Pahu, Salary .....		48.00
285	Geo. S. Curry, Clerk Hire .....		75.00
286	M. S. Deponte, Clerk Hire .....		30.00
287	W. H. Crawford, Clerk Hire .....		30.00
288	John H. Wise, Salary .....		72.00
289	Charles H. Clark Salary .....		30.00
290	A. K. Vierra, Clerk Hire .....		30.00
291	D. W. K. White, Salary .....		15.00
292	W. K. Apuakehau, Salary .....		18.00
293	Sam Kuula, Salary .....		18.00
294	F. J. Testa, Clerk Hire .....		30.00
295	W. J. Coelho, Clerk Hire .....		5.00
296	W. J. Coelho, Clerk Hire .....		5.00
297	W. J. Coelho, Clerk Hire .....		20.00
298	Hawn. Gazette Co., Ltd., Advertising Public Hearing..		1.50
299	Hawn. Gazette Co., Ltd., Advertising Public Hearing..		7.00
300	Hawn. Star Newspaper Assn., Advertising Public Hear- ing .....		9.00
301	Hawn. Star Newspaper Assn., Advertising Public Hear- ing .....		4.50

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

Voucher		For.	Amount.
No.	To.		
302	Paradise of the Pacific, Stationery .....		5.00
303	Barnhart Ice Co., Ice .....		.55
304	Hawn. Gazette Co., Ltd., Printing .....		12.60
305	Office Supply Co., Ltd., Stationery .....		1.55
306	Bulletin Publishing Co., Ltd., Printing .....		43.35
307	Bulletin Publishing Co., Ltd., Printing .....		72.00
308	Coyne Furniture Co., Ltd., Repairing Furniture .....		33.00
309	Paradise of the Pacific, Printing .....		32.40
310	Mutual Telephone Co., Ltd., Telephone Rental .....		7.15
311	G. Clark-Adams, Typewriting .....		13.90
312	G. Clark-Adams, Typewriting .....		19.25
313	G. Clark-Adams, Typewriting .....		13.05
314	G. Clark-Adams, Typewriting .....		17.70
315	G. Clark-Adams, Typewriting .....		17.65
336	Geo. S. Curry, Clerk Hire .....		90.00
337	W. K. Apuakehau, Salary .....		18.00
338	F. J. Testa, Clerk Hire .....		30.00
339	Sam Kuula, Salary .....		18.00
340	Charles H. Clark, Salary .....		30.00
341	D. S. K. Pahu, Salary .....		48.00
342	D. W. K. White, Salary .....		15.00
343	M. S. Deponte, Clerk Hire .....		30.00
344	John H. Wise, Salary .....		72.00
345	W. H. Crawford, Clerk Hire .....		30.00
346	W. J. Coelho, Clerk hire .....		25.00
347	W. J. Coelho, Clerk Hire .....		5.00
348	A. K. Vierra, Clerk Hire .....		30.00
349	Paradise of the Pacific, Printing .....		63.75
350	Hawn. Gazette Co., Ltd., Printing .....		230.00
351	Hawn. Gazette Co., Ltd., Printing .....		4.00
352	Hawn. News Co., Ltd., Stationery .....		3.10
353	Hawn. News Co., Ltd., Stationery .....		1.00
354	Hawn. News Co., Ltd., Stationery .....		2.00
355	Hawn. News Co., Ltd., Stationery .....		2.15
356	Fountain Soda Works, Distilled Water .....		.50
357	Fountain Soda Works, Distilled Water .....		2.00
358	G. Clark-Adams, Typewriting .....		5.75
359	G. Clark-Adams, Typewriting .....		7.70
360	G. Clark-Adams, Typewriting .....		29.95
361	G. Clark-Adams, Typewriting .....		54.55
362	G. Clark-Adams, Typewriting .....		10.00
363	G. Clark-Adams, Typewriting .....		15.65



## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

Voucher		For.	Amount.
No.	To.		
364	G Clark-Adams, Typewriting .....		14.85
365	G. Clark-Adams, Typewriting .....		20.30
366	G Clark-Adams, Typewriting .....		15.05
367	Hawn. Star Newspaper Assn., Printing .....		22.05
368	Hawn. Star Newspaper Assn., Printing .....		14.40
369	Bulletin Publishing Co., Ltd., Printing .....		21.60
404	Hawn. Star Newspaper Assn., Subscriptions .....		11.25
446	M. S. Deponite, Clerk Hire .....		30.00
447	Charles H. Clark, Salary .....		30.00
448	W. H. Crawford, Clerk Hire .....		30.00
449	A. K. Vierra, Clerk Hire .....		30.00
450	F. J. Testa, Clerk Hire .....		30.00
451	B. Jimmy, "Labor," Carpentering .....		12.00
452	Geo. S. Curry, Clerk Hire .....		90.00
453	W. J. Coelho, Clerk Hire .....		20.00
454	W. J. Coelho, Clerk Hire .....		5.00
455	W. J. Coelho, Clerk Hire .....		5.00
456	Hawn. Electric Co., .....Labor, \$2.10		
		Incidentals, 9.40	11.50
457	Oat & Mossman, Stationery .....		27.88
458	Oat & Mossman, Stationery .....		6.45
459	Office Supply Co., Ltd., Stationery .....		4.50
460	Office Supply Co., Ltd., Stationery .....		4.40
461	A. B. Arleigh & Co., Ltd., Stationery .....		3.00
462	Office Supply Co., Ltd., Stationery .....		15.74
463	G Clark-Adams, Typewriting .....		16.85
464	G. Clark-Adams, Typewriting .....		13.15
465	G. Clark-Adams, Typewriting .....		22.40
466	G. Clark-Adams, Typewriting .....		16.50
467	G. Clark-Adams, Typewriting .....		12.85
468	G. Clark-Adams, Typewriting .....		13.60
469	G. Clark-Adams, Typewriting .....		34.60
470	G. Clark-Adams, Typewriting .....		9.70
471	P. Maurice McMahon, Reporting, Transcribing and Typewriting . . . . .		55.39
472	Hawn. Gazette Co., Ltd., Printing .....		12.60
473	Hawn. Gazette Co., Ltd., Advertising Public Hearings		2.00
474	Bulletin Publishing Co., Ltd., Advertising Public Hear- ings . . . . .		3.00
475	Bulletin Publishing Co., Ltd., Printing .....		35.25
476	Paradise of the Pacific, Printing .....		30.60
477	Paradise of the Pacific, Printing .....		41.40

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

Voucher No.	To.	For.	Amount.
480	John H. Wise, Salary .....		72.00
481	D. S. K. Pahu, Salary .....		48.00
482	D. W. K. White Salary .....		15.00
483	W. K. Apuakehau, Salary .....		18.00
484	Sam Kuula, Salary .....		18.00
485	W. J. Coelho, Clerk Hire .....		30.00
486	Geo. S. Curry, Clerk Hire .....		90.00
487	M. S. Deponte, Clerk Hire .....		30.00
488	John H. Wise, Salary .....		72.00
489	F. J. Testa, Clerk Hire .....		30.00
490	Charles H. Clark, Salary .....		30.00
491	D. W. K. White, Salary .....		15.00
492	W. K. Apuakehau, Salary .....		18.00
493	Sam Kuula, Salary .....		18.00
494	W. H. Crawford, Clerk Hire .....		30.00
495	A. K. Vierra, Clerk Hire .....		30.00
496	D. S. K. Pahu, Salary .....		48.00
497	Hawn. Star Newspaper Assn., Advertising Pub. Hearing		3.75
498	Bulletin Publishing Co., Ltd., Printing .....		54.90
499	Hawn. Gazette Co., Ltd., Printing .....		6.05
500	Bulletin Publishing Co., Ltd., Adv. Public Hearing....		4.00
501	Coyne Furniture Co., Ltd. ....Furniture, \$529.50		
		Incidentals, 6.00	535.50
502	Paradise of the Pacific, Printing .....		39.10
503	Hawn. Star Newspaper Assn., Printing .....		34.35
504	Hawn. Star Newspaper Assn., Printing .....		49.05
505	G. Clark-Adams, Typewriting .....		18.35
506	G. Clark-Adams, Typewriting .....		22.05
507	G. Clark-Adams, Typewriting .....		7.95
508	G. Clark-Adams, Typewriting .....		28.30
509	G. Clark-Adams, Typewriting .....		33.30
510	G. Clark-Adams, Typewriting .....		19.10
511	G. Clark-Adams, Typewriting .....		55.05
512	G. Clark-Adams, Typewriting .....		9.05
513	G. Clark-Adams, Typewriting .....		13.60
514	Hawn. Star Newspaper Assn., Printing .....		10.80
515	Hawn. Gazette Co., Ltd., Printing .....		44.55
516	Bulletin Publishing Co., Ltd., Printing .....		80.90
517	Fong Inn Co., Furniture .....		50.00
518	Fountain Soda Works, Distilled Water .....		.50
519	E. O. Hall & Son, Ltd., Incidentals .....		.40
520	Hawn. News Co., Ltd., Stationery .....		3.60

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

Voucher		For.	Amount.
No.	To.		
521	Bulletin Publishing Co., Ltd., Printing .....		3.00
522	Paradise of the Pacific, Printing .....		50.25
571	Bulletin Publishing Co., Ltd., Advertising Pub. Hearing		1.50
572	Fountain Soda Works, Distilled Water .....		.50
573	Hawn. Gazette Co., Ltd., Subscriptions .....		28.00
577	Bulletin Publishing Co., Ltd., Adv. Public Hearing.....		8.00
578	Sam Kuula, Salary .....		9.00
579	G. Clark-Adams, Typewriting .....		25.50
580	G. Clark-Adams, Typewriting .....		8.50
581	G. Clark-Adams, Typewriting .....		51.95
582	G. Clark-Adams, Typewriting .....		51.80
583	John H. Wise, Salary .....		36.00
584	D. S. K. Pahu, Salary .....		24.00
585	Charles H. Clark, Salary .....		15.00
586	W. K. Apuakehau. Salary .....		9.00
587	D. W. K. White, Salary .....		7.50
588	A. K. Vierra, Clerk Hire .....		15.00
589	W. H. Crawford, Clerk Hire .....		15.00
590	F. J. Testa, Clerk Hire .....		15.00
591	M. S. Deponte, Clerk Hire .....		15.00
592	W. J. Coelho, Clerk Hire .....		5.00
593	W. J. Coelho, Clerk Hire .....		10.00
594	Geo. S. Curry, Clerk Hire .....		45.00
595	George Rosa, Clerk Hire .....		5.00
596	George Rosa, Clerk Hire .....		10.00
597	George Rosa, Clerk Hire .....		5.00
598	George Rosa, Clerk Hire .....		5.00
599	Hawn. Star Newspaper Assn., Printing .....		35.55
600	Hawn. Star Newspaper Assn., Subscriptions .....		14.30
601	Bulletin Publishing Co., Ltd., Printing .....		13.20
602	Paradise of the Pacific, Printing .....		28.80
603	G. Clark-Adams, Typewriting .....		36.90
604	Office Supply Co., Ltd., Stationery .....		66.30
605	Lewers & Cooke, Incidentals .....		20.38
606	Paradise of the Pacific, Printing .....		7.50
607	G. Clark-Adams, Typewriting .....		25.45
608	G. Clark-Adams, Typewriting .....		7.90
609	G. Clark-Adams, Typewriting .....		23.25
610	Paradise of the Pacific, Binding, 2 Volumes .....		4.75
641	Bulletin Publishing Co., Ltd., Printing .....		185.00
689	Mutual Telephone Co., Ltd., Telephone Rental April....		5.00
690	Paradise of the Pacific, Printing .....		16.50

## AMOUNTS DRAWN ON FEDERAL APPROPRIATION—Continued.

## Voucher

No.	To.	For.	Amount.
691	Amer.-Hawn. Paper & Supply Co., Ltd., Stationery . . . .		151.25
692	Coyne Furniture Co., Ltd., Rent of Chairs . . . . .		3.00
693	Amer.-Hawn. Paper & Supply Co., Ltd. . . . .		12.75
694	Office Supply Co., Ltd., Stationery . . . . .		6.80
695	Hawn. News Co., Ltd., Stationery . . . . .		2.25
	Harry Klemme, Jr., Salary . . . . .		75.00
	Office Supply Co., Ltd., Postage Stamps . . . . .		20.00
	Hawaiian Gazette Co., Ltd., Binding Original Typewrit- ten Copy of Senate Journal . . . . .		35.00
	W. Beakbane, Engrossing Resolution re Hon. Alfred S. Hartwell . . . . .		100.00
	John H. Wise, Proof Reading Senate Journal . . . . .		205.63
	Hawn. Electric Co., Ltd., Incidentals . . . . .		14.40
	Hilo Tribune Publishing Co., Ltd., Subscriptions . . . . .		7.50
	Paradise of the Pacific, Printing and Binding Senate Journal, etc., as per contract . . . . .		2,506.00
Total . . . . .			<u>\$ 12,837.23</u>

## **ERRATA.**

On Page 27, third line from top of page, "Resolution (No. 3)" should read Resolution (No. 4).

On Page 211, tenth line from top of page, "Report (No. 3)" should read Report (No. 2).

On Page 231, second line from top of page, "House Bill No. 26" should read Senate Bill No. 26.

On Page 261, thirteenth line from bottom of page, "House Bill No. 50" should read Senate Bill No. 50.

On Page 319, seventeenth line from top of page, "House Bill No. 58" should read Senate Bill No. 58.

On Page 354, ninth line from bottom of page, "Resolution (No. 17)" should read Resolution (No. 18).

On Page 510, ninth line from bottom of page, "Senate Bill No. 27" should read Senate Bill No. 17.

On Page 540, between the lines 33 and 34, insert the following:

Third reading of House Bill No. 117, entitled "An Act to Amend Act 116 of the Session Laws of 1907, Relating to Hunting with Fire-arms."

The Bill was read throughout and on motion by Senator Quinn, the Bill passed Third Reading on the following showing of Ayes and Noes:

Ayes: Senators Baker, C. Brown, J. T. Brown, Chillingworth, Fairchild, Hewitt, Judd, Kalama, Makekau, Pall, Quinn, Robinson, President Knudsen. Total, 13.

Noes: None.

Absent and not voting: Kaleiopu.

On Page 555, seventh line from bottom of page, "Senate Bill No. 192" should read House Bill No. 192.

On Page 568, sixth line from bottom of page, after the words "Revised Laws of Hawaii" add the following words: "relating to building and moving permits."

On Page 643, nineteenth line from top of page, "House Bill No. 175" should read House Bill No. 75.

On Page 805, eighth line from top of page, "Resolution (No. 21)" should read Resolution (No. 22).

On Page 884, fourteenth line from bottom of page, "House Bill No. 124" should read Senate Bill No. 124.

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91	Ways and Means Committee:	An Act to Adjust and Regulate the Powers and Exercise of Powers of Corporations Now or Hereafter Organized under the Laws of this Territory to Conduct a Banking or Trust Business and of Individuals Partnerships Engaged in Conducting such Businesses or any One of them.....	439, 451, 458, 697, 698, 699
92	Judiciary Committee:	An Act to Repeal Chapters 71 and 72 of the Revised Laws, Relating to Fire Departments.....	442, 457, 458, 463, 780, 781, 837

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93	Judiciary Committee:		
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94	Judiciary Committee:		
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95	Judiciary Committee:		
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96	Senator Fairchild:		
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97	Senator C. Brown:		
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98	Senator Makekau:		
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99	Senator Judd:		
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100	Senator C. Brown:		
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101	Judiciary Committee:		
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102	Senator Chillingworth:		
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103	Senator Chillingworth:		
		An Act Making Appropriations for the Construction of Armories for the National Guard of Hawaii at Honolulu, Oahu, and Lahaina, Maui, and Additional Store-rooms to the Armories at Hilo, Hawaii, and Wailuku, Maui .....	473, 476, 477, 530, 531, 573, 574
104	Senator Quinn:		
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105	Senator Quinn:		
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106	Senator Baker:		
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107	Senator Robinson:		
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108	Senator Judd:		
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109	Senator Judd:		
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111	Senator Pali:	An Act to Amend Chapter 28 of the Revised Laws Relating to Agriculture and Forestry, by Adding a New Section Thereto, to be Known as Section 386A.....	521, 538, 541, 554, 741, 742, 870
112	Senator Hewitt:	An Act to Regulate the Importation and Sale of Seed Into and Within the Territory of Hawaii .....	522, 538, 541, 632, 633, 644, 850, 901
113	Senator Robinson:	An Act to Amend Section 26 of Act 119 of the Session Laws of 1907, Entitled "An Act to Regulate the Sale of Intoxicating Liquors, Repealing Act 67 of the Session Laws of 1905.....	538, 539, 553, 658, 659, 684, 778, 779, 870, 871
114	Senator Chillingworth:	An Act Making Special Appropriation to Compensate YEE YAP for the Damages Suffered by Him by Reason of the Defective Title of Land Conveyed to Him by Land Patent (Grant) Number 61, Department of Public Works.....	551, 553, 554, 604, 605, 616, 868, 869, 901
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118	Senator Robinson:	An Act to Amend Chapter 102 of the Revised Laws of Hawaii as Amended by Act 96 of the Session Laws of 1907 by Amending Section 1418H Thereof, Relating to Peddlers .....	616, 642, 689, 690, 722
119	Senator Pali:	An Act to Prescribe the time When Officers of the County of Maui Shall be Elected .....	641, 642, 920
120	Senator Pali:	An Act to Prescribe the Tenure of Office and Manner of Election of the Supervisors of the County of Maui .....	616, 642, 866, 867
121	Senator Baker:	An Act to Repeal Chapters 46 and 47 of the Revised Laws, Relating to Water-works at Wailuku, Kahului and North Kohala .....	659, 683, 684, 788, 946, 977
122	Health Committee:	An Act Relating to Abatement of Nuisances, Amending Sections 994, 995, 997 and 1000 of the Revised Laws, Adding a New Section Thereto to be Known as Section 995A, and Repealing Sections 996, 1001 and 1002 .....	684, 708, 767, 768, 777, 877, 902
123	Judiciary Committee:	An Act Relating to Terms of Circuit Courts, Amending Sections 1644 and 1646 of the Revised Laws of Hawaii, as Amended by Acts 34, 37 and 56 of the Session Laws of 1905, and as Further Amended by Act 50 of the Session Laws of 1907 .....	690, 691, 708, 709, 723, 906, 970, 971
124	Judiciary Committee:	An Act to Amend Chapter 13 of the Revised Laws of Hawaii, by Adding a new Section Thereto, to be Known as Section 118A, Providing for the Collection of Certain Debts Due the Territory or any Political or Municipal Sub-division Thereof, Public Officers and Employers .....	694, 695, 696, 708, 709, 723, 724, 884, 916, 917

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126	Senators from Oahu:		
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127	Senator Brown:		
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128	Judiciary Committee:		
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129	Senator Judd:		
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130	Health Committee:		
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131	Health Committee:		
		An Act to Amend Section 988 and Section 991, as Amended by Act 42 of the Laws of 1905, of the Revised Laws, and to Add a New Section Thereto to be Known as Section 992A, Relating to the Board of Health .....	760, 773, 806, 807, 907, 970, 971

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133	Senator Fairchild:		
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134	Senator Judd:		
		An Act to Provide for Local Improvements Upon Streets, Lanes, Alleys, Places and Courts in the City and County of Honolulu.....	805, 820, 821, 844, 845
135	Senator Robinson:		
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136	Senator Robinson:		
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137	Senator Fairchild:		
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138	Senator Judd:		
		An Act to Amend Section 1798 of the Revised Laws, Relative to Charges to Jury .....	900, 919

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2	Rep. Correa:		
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3	Rep. Castle:		
		An Act to Provide for the Construction of Belt Roads .....	181, 199, 634, 643, 830, 848, 869, 877, 887, 920, 942, 983
4	Rep. Castle:		
		An Act Making Appropriations for the Repair, Partial Remodeling and Reconstruction and Furnishing of the Judiciary Building and for Moving and Temporary Accommodation Incidental Thereto....	182, 235, 261, 272, 318
5	Rep. Affonso:		
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8	Rep. Hale:		
		An Act to Amend Section 13 of Act 39 of the Session Laws of 1905 as Amended by Section 1 of Act 54 of the Session Laws of 1905 and as Amended by Section 1 of Act 58 of the Session Laws of 1907, Relative to Deputy Sheriffs .....	279, 320, 329, 339, 409, 425, 474
9	Rep. Hale:		
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10	Rep. Kanekoa:		
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13	Rep. Makekau:	An Act to Amend Sections 1, 4 and 5 and Repeal Sec- tion 2 of Act 45 of the Laws of 1909, Relating to In- determinate Sentences .....	128, 163, 173, 177
14	Rep. Keliinol:	An Act to Provide for the Payment of a Certain Judge- ment for the Sum of Fifteen Thousand Dollars (\$15,- 000.00) together with Interest Thereon Rendered by the Supreme Court of Said Territory in favor of Fred- erick J. Lowrey, George P. Castle and William O. Smith, Trustees, Against the Territory of Hawaii.... .....	143, 159, 167, 185, 199, 215
15	Rep. Kawaakoa:	An Act to Repeal Chapter 50 of the Revised Laws Re- lating to Road Supervisors and Road Boards .....	143, 159, 221, 240, 262
16	Rep. Cooke:	An Act Relating to Tenure of Public Officers.....	129, 164, 199
17	Rep. Haie:	An Act Relating to Terms of the Second and Fourth Circuit Courts, Amending Section 1644 of the Revised Laws as Amended by Act 34 of the Laws of 1905 and Act 50 of the Laws of 1907.....	159, 690
18	Rep. Moanauli:	An Act Relating to Forms for Use in the Several Courts of the Territory, Amending Section 1636 of the Re- vised Laws of Hawaii .....	129, 165, 173, 177
20	Rep. Kanekoa:	An Act to Repeal Section 55 of Act 118 of the Laws of 1907, Relating to City and County Inspectors of Elec- tion .....	130, 166, 173, 177
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24	Rep. Fernandez:		
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25	Rep. Sheldon:		
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27	Rep. Kanekoa:		
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28	Rep. Kawewehi:		
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29	Rep. Kawewehi:		
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30	Rep. Marcallino:		
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31	Rep. Watkins:		
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39	Rep. Waiaholo:	An Act to Amend Act 65 of the Session Laws of 1909, Relating to the Earnings at Certain Industrial Schools .....	200, 430, 454, 486, 564
40	Rep. Towse:	An Act Accepting the Gift of William G. Irwin to the Territory of Hawaii of Certain Lands Situate at Waikiki, Oahu, as an Addition to Kapiolani Park....	184, 231, 240, 262
41	Rep. Sheldon:	An Act to Provide for a Free Supply of Water to Certain Religious Institutions .....	265, 293
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44	Rep. Marcallino:	An Act to Amend Section 2450 of the Revised Laws of Hawaii, Relating to Land Registration .....	367, 471
45	Rep. Affonso:	An Act to Regulate the Incurring of Indebtedness by County Supervisors, Officers and Employees.....	505, 544
46	Rep. Castle:	An Act to Amend Section 2381 of the Revised Laws of Hawaii Relating to the Recording of Certain Instruments and Adding a New Section Thereto to be Known as Section 2381A .....	252, 300, 320, 324, 393
47	Rep. Castle:	An Act to Provide for Service of Process Upon Counties .....	160, 224, 241, 251, 262
48	Rep. Towse:	An Act to Amend Act 55 of the Laws of 1909 Relating to the Acquisition of Property for Public Purposes..... .....	537, 613, 617, 660, 923, 937, 970

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63	Rep. Cooke:		
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66	Rep. Kawewehi:		
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70	Rep. Marcallino:		
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71	Rep. Affonso:		
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76	Rep. Makekau:	An Act Making Appropriations for the Reconstruction, Improvements and Extension of the Wharves and Wharf Sheds at Mahukona, Hawaii, and Hanalei, Kauai, and for the Construction of Approaches Thereto .....	213, 291, 313, 320, 401
78	Rep. Sheldon:	An Act to Establish a Commission for the Promotion of Uniformity of Legislation in the United States.....	232, 258, 273, 295, 297, 327, 337, 393
79	Rep. Sheldon:	An Act to Amend Section 211 of the Revised Laws of Hawaii as Amended by Act 47 of the Session Laws of 1907, Approved the 5th Day of April, 1907 .....	756, 858, 873, 887
80	Rep. Sheldon:	An Act to Declare Certain Lands as a Public Park.....	282, 472, 479, 608
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86	Rep. Affonso:		
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87	Rep. Kellinoi:		
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88	Rep. Long:		
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89	Rep. Coney:		
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96	Rep. Kamanoulu:		
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99	Rep. Coney:		
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116	Rep. Towse:	An Act to Amend Section 1831 of Chapter 120 of the Revised Laws of Hawaii, Relating to the Exemption of Personal Property from Attachment, Execution, Distress and Forced Sale .....	370, 457, 463, 475, 487
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131	Rep. Sheldon:	An Act to Amend Section 2794, Chapter 181 of the Revised Laws of Hawaii, Relating to Bonds .....	365, 383, 400, 474
132	Rep. Sheldon:	An Act to Amend Section 2977, Chapter 196 of the Revised Laws of Hawaii, Relating to Stolen Goods.....	365, 384, 400, 474
135	Rep. Long:	An Act to Provide a Close Season for the Protection of the Hawaiian Fish, Amaama..	498, 661, 686, 716, 804, 811, 902
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137	Rep. Sheldon:	An Act to Amend Act 39 of the Session Laws of 1905, Entitled "An Act Creating Counties Within the Territory of Hawaii and Providing for the Government Thereof" .....	581, 639, 643, 704

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